A

LETTER

TO

SIR ROBERT LADBROKE, KNT.

SENIOR ALDERMAN,

And One of the

REPRESENTATIVES of the City of LONDON;

WITH

An Attempt to ſhew the good EFFECTS which may reaſonably be expected from the Confinement of CRIMINALS in SEPARATE Apartments.

Juſtitiæ et Clementiæ
Securiori ac mitiori reorum cuſtodiæ.

Do not ſpread the Compoſt on the Weeds
To make them ranker.

HAMLET, Act III. Scene X.

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A

LETTER

TO

Sir ROBERT LADBROKE, &c.

SIR,

THE judicial office which you bear in the metropolis of this kingdom will be a ſufficient apology for a ſtranger's addreſſing you, on a ſubject of great importance to your fellow citizens, and to the numerous inhabitants of the adjoining county: and the readineſs always ſhewn by you to promote every uſeful ſcheme, encourages me to hope, that you will pay a due regard to each pertinent remark that may be here ſubmitted to you.

It is a general practice with thoſe who have any plan of reformation in view, not only to paint in the ſtrongeſt colours the reigning vices and enormous offences of the age; but peremptorily to avow that the times, into which they

are unhappily caſt, are infinitely worſe than the preceding. An aſſertion that it muſt be a mark of folly implicitly to admit, becauſe there never was a period free from the ſame complaint. To avoid, therefore, a cenſure of this kind, I will not venture to determine poſitively, that there are now more criminals than there were ſome years ago; though to ſay that their numbers are diminiſhed might be as unwarrantable. We were told by the late Mr Henry Fielding, whoſe ſtation in life enabled him to make an accurate enquiry, of their being to the beſt of his knowledge, in the year 1751, a very great increaſe of robberies (1). And he was then likewiſe pleaſed to communicate what, in his opinion, were the principal cauſes of, and to ſuggeſt what he thought the moſt likely remedies for, the growing diſorders. Several of his regulations were deſervedly approved and adopted: I wiſh, I could add, that they were followed

(1) In a Tract entitled, *An Enquiry into the Cauſes of the Increaſe of Robbers*, &c. p. 1. Notwithſtanding the growth, which this author ſuppoſed to have been very extraordinary within a few years, there have certainly been periods of our hiſtory, when the number of capital convicts, at leaſt of ſuch as were executed, were greater than in later times. Sir Thomas More, in his Utopia, edit. by Alſop, A. D. 1639. p. 24. ſeems to ſpeak of twenty hanging together upon the ſame gallows, in the reign of Henry VII. as no unuſual ſpectacle. At the Seſſions at the Old Baily, in September 1749, 19 Felons were condemned, and 15 of them were executed. In September 1750, 12 out of 16 convicts ſuffered death. In September 1769, 17 perſons were condemned, but in April 1770, 30 convicts received ſentence of death. The whole number of priſoners tried in the three laſt years, and for the ſame term before Mr Fielding publiſhed his Tract is as follows,

In		In	
1749 - - -	670	1768 - - -	643
1750 - - -	670	1769 - - -	616
1751 - - -	615	1770 - - -	704
	1955		1963

followed with all the good effects he had flattered himſelf they would be.

An attentive ſpectator, however, of common occurrences muſt obſerve with concern, that all ranks of people may ſtill too eaſily partake of diverſions beyond what their circumſtances will bear; a branch of luxury, which this Gentleman ſenſibly termed the parent of theft (2)—that every avenue leading to London is infeſted by highwaymen and footpads — that few nights paſt in the laſt winter, in which ſome houſe was not broken open—that a ready and ſecure vent is ſtill often found for a valuable booty (3) — and that, in defiance of a law, which directs a ſpeedy execution, and an open ignominious diſſection, we ſtill frequently hear of atrocious murders.

Since then the Acts of Parliament here referred to (4), which were partly enacted in conſequence of this ingenious and vigilant Magiſtrate's inveſtigation and advice, have proved ineffectual; ought we not to aim at diſcovering the cauſe to which this failure may be imputed; for, this being once known, the means of removing it may ſoon occur. And, I muſt confeſs, that, after mature deliberation, the preſent method of confining criminals ſeems to be a fruitful ſource of the continuance, if not increaſe, of the evils

(2) Fielding's Enquiry, *&c.* p. 5.

(3) Upon the trial of Brent, alias Brett, for the robbery of Lady Mayo, a diſcovery was made of the common method of negociating bank notes which had been ſtolen; it appeared likewiſe that the Receiver allowed very little more than one half of the value of them. And had not the *conſcientious* Factor conceived an opinion that a chriſtian broker would give a better price for them than one of his own tribe, it is not unlikely the offender had remained concealed. The ſame witneſs depoſed that only 10 guineas were paid for a diamond ring valued at £300. *See Seſſions Paper for October* 1770, part. II.

(4) 25 George II. c. 36, 37.

which ſo much alarm us. To evince the truth of this, and to ſtate the benefits which will probably ariſe from an alteration, is the reaſon of my taking the freedom of conveying theſe ſheets to the public under the ſanction of your name.

But, Sir, whilſt this pernicious effect of the miſmanagement of our priſons was under my examination, another very baneful one preſented itſelf to me: namely, that peſtilential diſtemper, always diſtinguiſhed by the name of the Gaol Fever. And it appeared to me to be no ſlight recommendation of my ſcheme, that the confinement of criminals in ſeparate apartments, which is the regulation propoſed, would be ſalutary in both caſes.

Few words are ſufficient to ſhew it to be our duty to preſerve, if poſſible, the health of perſons, who, for real or ſuſpected offences, are deprived of that valuable bleſſing liberty. The feelings of humanity will admoniſh us not to expoſe them to greater hardſhips than what are abſolutely neceſſary. From an apprehenſion, that the ſenſibility of thoſe who have the cuſtody of them, by being conſtant eye-witneſſes of ſcenes of the deepeſt diſtreſs, ſhould become callous; if a man dies of any hard uſage of his keeper, it is, by the common law, felony in that keeper; and, the better to prevent cruel treatment, the coroner is to ſummon a party jury, conſiſting of ſix priſoners and ſix perſons of the neighbouring villa or pariſh, to enquire into the death of every priſoner (1). This compaſſionate care in our laws has probably ſaved many lives; and yet there is too much reaſon to fear, that the inqueſts yearly find a very great number to have periſhed ſolely from their confinement.

By

(1) Burn's Juſtice, under titles Gaol and Coroner.

By a ſkilful contrivance of that truly chriſtian philoſopher, the late Dr Stephen Hales, ſome check was given to the ravages of the dreadful diſeaſe, which is engendered in gaols; and had it not been for the obſtinate prejudices of a few, and the inſufferable idleneſs of many, his ventilators would probably have been of much more extenſive ſervice. But it muſt certainly be worth our enquiring, whether ſome other method may not be deviſed, which, with the little uſe generally made of this valuable machine (2), will entirely prevent the breeding of the gaol fever.

This reverend Gentleman mentioned it as a fact well known, that the vapors which ariſe from human live bodies are extremely corruptible; and that, where a multitude are confined in a ſmall compaſs, the quantity that inceſſantly exhales muſt be very great, and that it is from this cauſe principally, that the air of priſons often produces mortal diſtempers—his plan, therefore, was to draw off theſe noxious vapors, and to ſupply the room with plenty of freſh air (3). This method is, I believe, obſerved a few hours in the four and twenty. However, as the rancid vapors are inceſſantly ariſing, notwithſtanding the periodical working of this inſtrument, the air muſt ſtill be very unwholeſome. But ſince the danger proceeds chiefly from the numbers kept together, can it be better guarded againſt than by diminiſhing that number? And by a ſeparate confinement this cauſe at leaſt would be

(2) Dr Pringle, in a letter to the preſent Chamberlain, whilſt he was Lord Mayor of London, expreſſed his concern to ſee as he paſſed through Newgate, from time to time, the machine often ſtanding ſtill, though there ſeemed to be wind enough to turn the ſails. See Sir Stephen Theodore Janſſen's Letter to the committee for the rebuilding of Newgate, 8*vo.* 1767, p. 45.

(3) In his Deſcription of Ventilators, 8*vo.* 1743, p. 41, 42.

removed; unleſs you put each malefactor into ſo ſtrait an apartment, that his own breath, and the matter which perſpired from his body, ſhould affect his health. This, however, can never be neceſſary; and a very ſmall room will allow each perſon a greater plenty of purer air, than what priſoners in general now enjoy. For light muſt be thrown into every ward; and the windows for the admiſſion of this will probably, for the ſake of ſecurity, be placed beyond the reach of the talleſt man; and conſequently, though the dimenſions of the floors be but a few feet ſquare, there muſt be height. The very great benefits that have accrued to perſons labouring under an infectious diſeaſe from their not being too cloſely ſtowed, and from properly ventilating the chambers, was long ſince experienced in the Small Pox Hoſpital; where they kept only two perſons in a ward. The good Dr Hales, whoſe directions were principally followed by the managers of this charitable inſtitution, ſeems to have ſolicitouſly provided that the ſick people ſhould not catch cold by the admiſſion of the freſh air. Some later trials have however ſhewn, that ſo great caution was not abſolutely requiſite, and have likewiſe furniſhed another convincing proof of this pure element being, as he had aſſerted it was, the genuine cordial of life (1).

Beſides, ventilators might ſtill be occaſionally uſed: And, to keep up a more conſtant circulation of air, iron grates might be fixed in the doors, as they are in thoſe of the cells in Bedlam, and even in priſons abroad; where, in other reſpects, the unhappy and innocent captives are not treated with tenderneſs or humanity. Dr Hales adviſed a hole about nine inches ſquare to be cut in each cell door in Newgate, with grating iron bars

(1) In his Deſcription of Ventilators. Dedicat. p. 4.

bars acroſs, becauſe it would a little contribute to the draught of air (2); but this current would certainly be much increaſed, were the lower part of the inner door, inſtead of being made of one ſolid piece of wood, to conſiſt of a range of bars (3). And if all theſe wards opened into galleries round a ſpacious area, it would be almoſt impoſſible that the priſoners ſhould ſuffer in their health from any ſtagnated and putrid air.

How far this precaution can be taken on the ſpot, where the new gaol is erecting, I know not: but if it is not feaſible, there will always be reaſon to regret, that the committee employed did not make choice of a diſtrict, where they were leſs cramped for room. And none ſeem to have been ſo proper as the bank of the Thames, if we may judge from the different effects which the uſe of Dr Hales's ſalutary machines had in the Savoy priſon, and in Newgate. The greater decreaſe in the former priſon may indeed have been partly owing to the convenience of a larger area for the priſoners to walk in, and to the care of the Maſter in having the rooms cleanſed. Nor is this mentioned with a deſign of cenſuring Mr Akerman, ſince he might not have the ſame plenty of water with which the other was ſupplied, and of which Mr Hayward ſeems to have made a conſtant uſe (4). But as naſtineſs is likewiſe a cauſe of this peſtiferous fever; no contrivance, no pains, ſhould be wanting to prevent or remove it. And this, Sir, may be offered as another

(2) Sir Stephen Theodore Janſſen's Letter, p. 40.

(3) *Cameræ oſtii interioris pars inferior conſtat crate ferreo,— Exterius oſtium ordinarie mane ab horâ ſextâ uſque undecimam aperiri ſolet; ut aer carceris aliquatenus repurgetur.*
Limborch Hiſtoria Inquiſitionis, p. 158.

(4) See an account of the ſucceſs of ventilators publiſhed in the London Magazine for the year 1753, p. 90.

another reaſon for adopting the mode of ſeparate confinement.

The abominable foulneſs of our gaols has long been matter of complaint. Some have aſſerted that they are filthier than dog kennels, or even than the ſtyes where the filthieſt of all animals are fatted. I would fain hope theſe accounts are greatly exaggerated; but loathſome enough they certainly are, even when gaolers attend to that important branch of their office the keeping them otherwiſe. And, while they are upon the preſent plan, it would be an Herculean labor to cleanſe many of them, and conſequently almoſt impoſſible entirely to prevent the gaol diſtemper. Cleanlineſs being ſo eſſential a preſervative, ſome have thought it ſtrange that in a priſon, where a very great number of debtors are always confined, ſuch a nuiſance ſhould be tolerated, as, not long ago afforded an occaſion for a ſingular action brought into one of the courts in Weſtminſter-hall by a lawyer againſt a fellow-captive. But the ſurprize vaniſhed, when it appeared that the precious liquor, in which the unlucky plaintiff had been beſteeped, produced a conſiderable revenue to the Sovereign of that little diſtrict. Veſpaſian is ſaid to have incurred a gentle reprehenſion from his ſon for levying a tax upon ſo ſordid a commodity (1). It may, however, be queſtioned, whether there is any other inſtance upon record ſince the reign of that Emperor, till what is here referred to. Though, perhaps, Mr —— ought not to be accuſed of a want of attention to the health of his ſubjects, as he may be of opinion that ſalts, as well as acids, are antipeſtilential; and thus far is undeniable, *Lucri bonus eſt odor ex re qualibet.*

Dr

(1) Sueton. Lib. VIII. c. 23.

Dr Hales, Sir John Pringle, and others have obſerved, that air, corrupted and putrified, is of ſuch a ſubtle and powerful nature, as to rot and diſſolve heart of oak, and that the walls of buildings have been impregnated with this poiſonous matter for years together (2). Since therefore a proceſs like that which was uſed by the Jews, when a houſe had the plague of leproſy, is requiſite (3), can a cleanſing once a week, and this perhaps a ſuperficial one, be ſufficient? Should the priſoners be kept ſeparate, leſs dirt and filth, in proportion to the ſpace, would be contracted: and each perſon might with greater eaſe, more frequently, and more effectually, ſweep and waſh his own room. Add to this, the apartments might, when empty, which muſt then often happen, be thoroughly waſhed, aired, ſcraped, and fumigated; a method that has been tried with ſucceſs, where it is practicable, which cannot now be the caſe in Newgate. Since, as the wards are ſpacious enough to hold a number of criminals, they are never unoccupied; not a day can be allowed for purification. By an abſtract of the minutes of the writer of the Seſſions Papers, there were from the year 1748 to 1770, 11,178 priſoners tried at the Old Bailey: and as many more muſt have been committed, within that period, for leſſer offences, we may eaſily conceive how quick the ſucceſſion of tenants is in this manſion.

It appears by ſome reſolutions of the court of Aldermen in the year 1735, that they were ſenſible of this advantage from ſingle cells, and endeavoured to have a proper uſe made of it. For they directed that after every execution each cell, and the bedding for the condemned priſoners, ſhould

(2) Sir Stephen Theodore Janſſen's Letter, p. 61, 62.
(3) Leviticus, ch. xiv. v. 40—45.

ſhould be well aired. The Chineſe and the Japaneſe, particularly the latter, are in this reſpect well worthy our imitation: for their priſons are kept as neat and as healthy as poſſible (1). Moſt of the priſoners, except great criminals, are permitted to air themſelves for ſome time every day, and are, for the reſt of it, confined to their ſeparate cells. A compariſon is drawn in the Modern Univerſal Hiſtory between the management of the common gaols in Europe, and thoſe of the Chineſe nation, much to the diſcredit of the Civil Magiſtracy in this quarter of the world; and the impartial authors of this uſeful work have inſinuated, that priſons are no where under worſe regulations than in their own country. But it is to be hoped that the reproach will ſoon be removed from the largeſt gaol in England.

Another benefit likely to reſult from the propoſed method of confinement is, that if a priſoner from a bad habit of body, or from any other cauſe, ſhould get any noxious diſeaſe, it cannot ſo eaſily ſpread. Whereas, at preſent, the infection muſt probably be communicated to great numbers before it is diſcovered. This ought to be moſt cautiouſly guarded againſt in ſuch a priſon as Newgate, which is the common receptacle for all felons who are to be tried at the enſuing Seſſions; and in which likewiſe offenders are ſentenced to undergo the penalty of impriſonment. It has been obſerved, that, generally, the fever firſt breaks out upon the perſons lately committed; becauſe they, having been uſed to breathe a purer air, are more affected by the rancid vapors, than others who are accuſtomed to them. And if this be really ſo, the locking them

(1) Modern Univerſal Hiſt. 8vo. vol. VIII. p. 177. and vol. IX. p. 91.

them up in a ſeparate room will remedy this fatal inconvenience. It is equally neceſſary to remark that, on another account, more care will be required to keep the intended gaol free from this diſorder, than even Newgate itſelf. For, all the walls being new, and conſequently the joints cloſely compacted, the inſide of the former can receive no other draughts of air than from windows, funnels, and grates; whereas the ruinous breaches of the latter are conſtant ventilators: by which, if a priſoner ſometimes recovers his liberty, much unwholeſome air makes alſo an eſcape. This the rather deſerves notice, becauſe the gaol of a neighbouring county built not many years ago, though it is ſituated on an airy ſpot, and has the help of a ventilator, has been at times much infected, and, probably, in no ſmall degree, from a want of attention to this circumſtance.—For which reaſon, Sir, I could not but be ſorry to ſee, that, in an engraved elevation of the front of the new priſon towards the Old Bailey, and with an aſpect where the ſun and the wind might be of great utility, there is a large tract of wall without a ſingle opening for light or air.

The numbers conjectured to die yearly in the gaols were mentioned as a ſufficient motive for taking every precaution to prevent a like mortality hereafter. But though theſe perhaps amount to many more than all the convicts executed in the ſame length of time, yet they fall extremely ſhort of what are really ſacrificed to this peſtilential complaint. One infected perſon conveyed on board a veſſel freighted with tranſported felons muſt make a moſt dreadful havock. Sir Stephen Theodore Janſſen has related (2) ſome inſtances on his own knowledge, and many more as melancholy

(2) In Appendix to his Letter, N° XIII.

lancholy there muſt have been which have never reached the public ear. Nor are they the priſoners alone who are expoſed to the malignant effects of this fever. Their keepers, it is ſaid, have always a ſeaſoning. And all, who, from curioſity or charity, enter theſe contagious manſions, do it at the riſque of their lives. Many probably of the former have paid dearly for their imprudence: and the relations of the latter have frequently had no other conſolation for the loſs of valuable friends, than that they died in the diſcharge of one of the moſt exalted duties of a chriſtian.

There is, however, danger without venturing within the walls of a priſon. Theſe filthy and miſerable wretches diſperſe their putrid and peſtilential vapors far and wide; and, as it is remarked of a ſpecies of naſty animals, can annoy at a diſtance thoſe whom they deem their enemies, without hurting themſelves (1). In the courts of juſtice this has been often unhappily experienced, but never more fatally than at the Old Bailey in April 1750. A mournful Seſſion indeed! which muſt, Sir, have recurred to your thoughts on my firſt naming the gaol fever; ſince it deprived your city of its Chief Magiſtrate, and the nation of two very able and upright Judges,

(1) Mr Derham, in a note to chap. XIV. of his Phyſico-Theology, has given from Ray's Synopſ. Quadr. the following account of one of theſe animals. (*Tzquiepati* Anglice *Squnck*, and one that I ſaw, they called a *Stonck*.) *Ipſa tota teterrimum exhalet odorem, et urina ſtercuſq; eſt fœtidiſſimum, atque adeo peſtilens, ut nihil ſit reperire in noſtro orbe, cui in hâc re poſſit comparari: quo fit ut in periculo conſtituta, urinam & fæces ad 8 pluriumve paſſuum intervallum ejiciat, hoc modo ſe ab omnibus vindicans injuriis.*—It was an obſervation of the late Mr Juſtice Foſter, that in April 1750, when ſo large a number died by an infection at the Old Baily, there was no Sickneſs in the goal more than is common in ſuch places. See his Crown Law, Page 74.

Judges, and of forty other perſons: moſt of whom caught this mortal diſtemper, whilſt they were engaged in employments of the higheſt importance to their country. So great was the alarm which this cataſtrophe occaſioned, and with reaſon, as to oblige Lord Chief Juſtice Lee, by a ſpecial application, to acquaint your Brethren of the neceſſity of ſome ſpeedy regulations in the gaol, or it would not be ſafe to attend the trials. And though all the Aldermen, and particularly Mr Janſſen, who conſidered it as a duty more incumbent upon him from his office of Sheriff, ſolicited the advice of the moſt ſkilful perſons, and aſſiduouſly followed their directions, as far as they were able; yet there is too much reaſon to fear, that the deaths of many ſince that time may be attributed to a like noxious atmoſphere.

Aware, Sir, I am, that I am giving you a detail of facts, which have been repeatedly publiſhed. And, while the evil continues, the cauſes and effects of it cannot be too often repreſented, nor ſet in too ſtrong a light; till, perhaps, at laſt, the repreſentation may not be in vain. As to the remedy now offered, it does not become me to aver poſitively that it will fully anſwer. However, ſince all other experiments have, in ſome degree, failed of the deſired ſucceſs, I cannot forbear expreſſing my earneſt wiſh that this may have a fair trial.

But, Sir Robert, highly as this merits the attention of the reſpectable Magiſtracy of the metropolis, there is yet a more pernicious, becauſe a more extenſive and laſting diſorder, contracted or increaſed in our public gaols; and for the cure of which no medicine ſufficiently powerful has been adminiſtred: namely, the complete corruption of the morals of almoſt all the perſons who are ſent into them. To borrow an alluſion from

from a practice common at this time; they are INOCULATED with wickedneſs, and the diſtemper is the more malignant, becauſe moſt of the ſubjects of it have already caught the infection in the natural way.

There can be no danger of my being thought to exceed the bounds of truth in aſſerting, that ſuch a ſet of abandoned fellows is hardly to be found within ſo ſmall a compaſs upon the face of the earth, as are ſometimes encloſed in the priſon ſo often mentioned. There are perhaps few vices or crimes, of which ſome or other of them have not been guilty, or have boldly declared themſelves ready to perpetrate, were opportunities given them, and they imagined they could be gainers by the attempt. And yet what numbers of theſe profligate wretches are ſuffered to herd together; to paſs their hours in uttering the moſt ſhocking oaths, and uſing the moſt blaſphemous expreſſions; in ſwilling as large quantities of ſtrong liquors, as the reſidue of their unjuſt gains, or the contributions of their former comrades, will enable them to purchaſe; in jointly contriving means to break from their confinement, or of procuring perjured evidence to clear them on their trials, or in planning future ſchemes of rapine, of violence, and of murder, ſhould they be ſo lucky as to eſcape the vengeance of the law. A mode of impriſonment this ſo diametrically oppoſite to the principles of ſound policy, that it is amazing it ſhould have been ſo long endured.

Prevalent however, as it now is, the ſpirit of our antient laws is far from countenancing a practice thus injurious to the community. " By them " perſons only reported to be pilferers or robbers " may be bound over to their good behaviour, " to the intent that people be not troubled nor " endamaged; and, if of good fame, though " charged

" charged with leſſer offences, they muſt be bailed, " if they offer ſufficient ſureties; but where the " offences are of an enormous nature, they muſt " be committed to gaol, as the only place of " ſafe cuſtody for them, and becauſe no other " effectual ſecurity can be depended on that " they will not ſtill be diſturbers of the public " peace (1)." But the four walls of priſons, according to the preſent management of them, are as bad ſureties for future good behaviour, as can well be accepted. It is true, that while criminals continue within them, they have not the power of injuring all whom they pleaſe to aſſault. The reſpite is, however, for a ſhort time only. And when they are delivered, which in London happens every ſix weeks, they are much better qualified, and more inclined than ever to perpetrate crimes of the deepeſt dye. A modern ingenious writer (2) ſpeaks of it as a general obſervation that the ſtrongeſt love is contracted in a gaol. The term is much too tender and ſoft for the union formed between the perſons under conſideration. But it is very certain that they enter into an alliance offenſive and defenſive; and that they aid and ſupport one another, not always indeed till death diſſolves the bond, becauſe ſelf-preſervation often renders it neceſſary for one of the parties to break from the agreement before this entire and fatal ſeparation. And, by this intimate converſe with aſſociates of the ſame ſtamp, ſo frequently began in a priſon, they are confirmed in their old habits: or, if they are of a docible diſpoſition, though deſtitute of a fruitful invention, their theory of wickedneſs becomes

 enlarged,

(1) Dr Blackſtone's Commentaries on the Laws of England, vol. IV. p. 253 and 295.

(2) Baretti, in his journey from London to Genoa, vol. I. p. 12.

enlarged, and the public are ſoon ſenſible of their improvements.

What may be the numbers uſually locked up together in Newgate I am not exactly informed. It is ſaid, many of the wards will hold ten; and that, when there is a full gaol, forty or more may be kept in the largeſt apartment. Of this I am better aſſured, that, at the end of ſome ſeſſions, near half of thoſe who were in cuſtody are let looſe upon the town(1). It would be a breach of charity to fix a cenſure of guilt upon an individual, who had ſtood the trial of his country, and had been acquitted. However, when we conſider the laudable tenderneſs of our Judges towards all perſons charged with criminal offences, as well as the full evidence required by our laws, together with many ingenious contrivances practiſed to evade the force of them; he muſt be over-credulous, who can perſuade himſelf, that the greater part of thoſe cleared at the Old Bailey are really innocent. Can it then be matter of ſurprize, that our ſtreets and roads are more infeſted with theſe peſts of ſociety a little after, than before a gaol delivery? And can we impute the increaſe to a more probable cauſe than the method of confining them?

Seldom have I paſſed through the gate of that almoſt diabolical fabric, Newgate, that the deſcription given by our illuſtrious Poet of the infernal regions hath not occurred to my mind. And if you only recollect ſome parts of Paradiſe Loſt, you will pereeive that many of the lines, in which Milton has related the employments and amuſe-

(1) In the Mayoralties of Meſſ Aldermen Beckford, and Trecothick, ſeven hundred and three priſoners were tried at the Old Baily; and of this number, two hundred and fifty nine were acquitted, and fifty ſix branded, whipped, or ſentenced to a ſhort impriſonment.

amuſements of the evil ſpirits, are very applicable to the inhabitants of the other place. At preſent, I ſhall only obſerve, that the cloſe receſs of the Pandæmonium, where the chiefs of them ſat in council to work the deſtruction of mankind, anſwers but too well to the principal ward in the priſon, ludicrouſly termed by the felons their HALL; and in which, the moſt ſubtle of them plot miſchievous ſchemes to prey upon their fellow creatures, and to ſeduce others leſs wicked than themſelves, and which the ſtrongeſt and fierceſt never fail to carry into execution, if they can by art or force regain their liberty.

Leſt theſe, Sir, ſhould be thought wild and fanciful ſpeculations, be pleaſed only to peruſe the accounts of thoſe, who, from their offices, have had the beſt opportunities of knowing the lives and converſations of theſe wretches, and you will find them verified.

The late Mr Henry Fielding, in his Enquiry(2), remarked, "that the villain, who, againſt al-"moſt the direct knowledge of all preſent in "court, is triumphantly acquitted, ſcorns the "law, vows revenge againſt his proſecutors, and "returns to his trade with a great increaſe of "confidence, and commonly of cruelty."—His Brother, one of the preſent active Magiſtrates for Middleſex, in his Plan for preventing robberies, (3) obſerved, "that he, who in conſequence or "having been admitted an evidence, is, after "the conviction of his confederates, conſtantly "diſcharged, as conſtantly returns to his former "courſes, and generally by the next ſeſſions, "after the execution of his comrades, becomes "the captain of a gang of his own raiſing." But the ſtrongeſt proof of all is, that ſeveral of that moſt horrid crew, who for twenty years carried

(2) Page 112. (3) Page 11.

on the practice of thief-taking, and received very large public rewards for the murder of those, whom they had enticed to commit robberies, had undergone a long imprisonment in Newgate, (where, as the writer of the Narrative of their transactions suggests(1), they had no doubt received a good education) and entered upon this plan after the times of their confinement were expired. And this spirited and truly patriotic Peace Officer, who detected and prosecuted to conviction some of these barbarous miscreants, has informed the world, that their general rule was to fix on thoughtless and unfortunate creatures, who had been acquitted on trials at the Old Bailey for small offences (2).

From these authorities, and from others that might be produced, it is plain that imprisonment in this country is a great political evil; and defeats what many writers have laid down to be one of the principal ends of punishment. Plato has often observed, that the design of a wise man in correcting those who have violated the rules of Justice

(1) See a Pamphlet intitled, A faithful Narrative of Thief-takers, &c. by Joseph Cox, 8vo. 1756, p. 5. It appears from this narrative, that there was one more cause of the increase of robberies about the time Mr Henry Fielding published his Tract, besides those expatiated on by that Gentleman. And according to Mr Cox, it was a principal cause; since in the year 1749, there were forty five convictions for real and counterfeit robberies in Middlesex only; whereas for almost two years after the discovery of the Monsters, whom he properly calls the Thief-makers, no more than fifteen were convicted in the same county. page 75.

(2) The learned Reformer, Martin Bucer, in his Book, published in the reign of Edward VI. concerning the Kingdom of Christ, remonstrates against tedious imprisonment, "because the criminals, under such confinements, are commonly useless, and left wholly to idleness and ill company."

Collier's Eccles. Hist. vol. II. p. 303.

Juſtice is, that they may offend no more (3); and when the law takes vengeance on a criminal, it is, ſays Seneca, on purpoſe to reform the perſon whom it puniſhes (4); and Mr Judge Blackſtone has remarked, that puniſhments, in an extended view, are calculated to prevent future crimes, and that the intent of them is to deprive offenders of the power of doing miſchief (5). Whereas, at preſent, by the commitment of criminals to a priſon you increaſe their power of doing miſchief. He, who before had been guilty of ſtealing a pocket handkerchief, commences immediately after a daring ſtreet-robber or a burglariſt. For theſe rank weeds thrive faſt in this hot-bed of vice; and, when grown to maturity, they ſcatter a large quantity of their noxious ſeed, which can hardly ever be eradicated.

If then the miſmanagement in our priſons is found to be a certain cauſe of many acts of rapine and violence, which render our ſubſtance and our lives inſecure, it will be leſs difficult to point out a probable means of diminiſhing, though not of totally preventing them. And is there not ſome reaſon to lament our being too often debarred of one method, which might ſave numbers from utter ruin. We read that it was a commendable maxim of one of the moſt famous free ſtates which the world ever ſaw, that no Athenian, unleſs charged with treaſonable practices, or with imbezzling the public revenues, ſhould be kept in bonds, if he could find ſufficient ſecurities (6). And, by the Roman Law, even ſtate criminals were before conviction committed, not

(3) In Protagora edit. Ficini, p. 226.—In Gorgia, p. 357.—De leg Lib. XII. p. 977.
(4) Seneca de Clementiâ, Lib. I. c. 22.
(5) Commentar. vol. IV. p. 12 and 249.
(6) Potter's Antiquities of Greece, Book I. c. 18.

to the common gaol, but to the free cuſtody of the Magiſtrates and Senators of their acquaintance (1). This privilege remained for more than two hundred and fifty years after the diſſolution of the commonwealth, but with this difference; that only one perſon in a province had a right of determining who ſhould partake of it. For as Ulpian ſays (2), "The Pronconſul is wont to "judge, whether the perſon ought to be put "into the priſon, or delivered to a Soldier to "keep, or whether he ſhould be committed to "Sureties, or even to himſelf: and herein uſually "regard is had to the nature of the crime charg-"ed upon any one, and to the preſervation of "his honor, as alſo to the wealth or ſubſtance, "*ſeeming* innocence, or dignity of the party ac-"cuſed."

Whether one of their motives for this indulgence might be, to avoid the hazard of the innocent aſſociating with thoſe who were culpable; or leſt perſons already vicious ſhould become more profligate by this communication, is not mentioned. It is, however, clear that by this wiſe precaution they guarded againſt theſe pernicious effects. And, by our common law, antiently, a man accuſed or indicted of high treaſon, or of any felony whatſoever, was bailable upon good ſecurity (3). After the Norman conqueſt, our countrymen were by degrees in many caſes deprived of this valuable privilege. And by the reign of Edward the Firſt the abuſes became ſo notorious, as to make it neceſſary for the Legiſlature to interpoſe and rectify them: Since, as

(1) Inſtances of this occur in the detection of the infamous bacchanalian Society mentioned by Livy, Lib. XXXIX. c. 8. *&c.* and in Salluſt's Hiſt. of the conſpiracy of Catiline 47.

(2) As cited by Lardner in his Credibility of the goſpel Hiſtory, vol. I. p. 504.

(3) Biſhop Ellys on Liberty, part II. p. 6.

as Statute the 3d, ch. 15. of that King expreſſes it, "Sheriffs and others had taken and kept in "priſon perſons detected of felony, and incon-"tinent have let out by replevin ſuch as were "not repleviſable, and have kept in priſon ſuch "as were repleviſable, becauſe they would gain "of one party and grieve the other." But this Act of parliament, made on purpoſe to declare what perſons were repleviſable, and what not, which was before that time not determined, increaſes the number of offences not bailable to ſeventeen: and one of them delivered in ſuch general terms, "as for manifeſt offences," and another for breaches of the ſavage foreſt laws.

The conſequences of uſing theſe vague and looſe expreſſions were ſuch as might be expected. For it appears from a ſpeech of Pecham, Archbiſhop of Canterbury, in Parliament, in the 18th of Edward I. that there were, within a few years, many notorious violations of this Statute (4). Among other grievances, his Grace repreſented, "that very many freemen of the kingdom, had, "without any guilt on their part, been com-"mitted by the King's Miniſters to divers pri-"ſons, as if they had been ſlaves of the meaneſt "degree, therein to be kept." And that in conſequence of this complaint, ſome Miniſters and others ſuffered ſevere puniſhment. Encomiums of the learned author of the Commentary muſt reflect a laſting honor upon thoſe characters who are happily the objects of his praiſe; and he has diſtinguiſhed this Prince with the title of the ENGLISH JUSTINIAN for his numberleſs regulations of the legal inſtitutions of his country (5). To him we are certainly indebted for ſome endeavours to ſpecify the perſons who were, and

(4) Ellys on Liberty, Part II. p. 7.
(5) Blackſtone's Commentaries, p. 413.

who were not, bailable; but by his many reſtrictions we may perceive that he was not willing to allow the whole privilege to which his ſubjects were intitled by the common law (1). And ſome have thought, that the various limitations made by the Stat. 1. & 2. of Philip and Mary, c. 15. as well as by the Act before mentioned, are not an improvement of our conſtitution.

It ſeems indeed to be the opinion of the Hon. Mr Juſtice Blackſtone, that, as one Court has a diſcretionary power of accepting ſecurity in all caſes, the wiſdom of the Legiſlature has provided a ſufficient remedy, where it would be hard and unjuſt to confine a man, though accuſed of the higheſt offence (2). The ſentiments of a Lawyer of his Lordſhip's great learning and ſound judgment commands an almoſt immediate aſſent: they ſhould, at leaſt, incline perſons of far inferior talents and knowledge, who may view things in a different light, to ſuſpect they muſt be in an error. And yet, conſidering with how many evils our gaols are pregnant, one can hardly avoid believing that the extenſion of the liberty of bail would be an uſeful regulation. There may not be very many inſtances, in which a ſhort confine-

(1) This Prince manifeſtly diſcovered in another inſtance that he was not under the influence of the benignity of the common law; ſince it was in his reign that the penance of *peine forte & dure* was introduced. For under this hard and ſtrong confinement, with a ſlender allowance of proviſion, criminals might linger for weeks, and periſh at laſt under the inexpreſſible torments of hunger. But intereſted views rendered him and other rapacious feudal Lords regardleſs of the inhumanity of their ſcheme. And they might think it neceſſary to prevent a practice which was probably very frequent, of perſons charged with criminal offences remaining, from affection to their families, obſtinately mute, leſt they ſhould, by conviction, incur a forfeiture of their eſtates. Blackſtone's Comment. p. 322.

(2) Commentaries, vol. IV. p. 296.

confinement would be a material injury. The inconvenience of the reſtraint is not, however, the only thing which merits attention, for the greater corruption of the priſoners ought, if poſſible, to be prevented.

If inſtances of petitions to the Court of Kings Bench rarely happen, the paucity of them may, in ſome degree, be attributed to the uncertainty of obtaining relief, and to the unavoidable expence with which an application is attended; for this, from counties at a diſtance from London, riſes higher than perſons in moderate circumſtances can well afford. And they are the priſoners in the country gaols, who have moſt need of this privilege, and to whom it may be of the moſt eſſential ſervice. In London the Seſſions quickly return; but Aſſizes are held no where more than twice, and in the four northern counties only once, a year. It muſt, therefore, often happen, that ſuſpected criminals are confined eight months or longer, and this during the inclemency of the winter ſeaſon.

Beſides, many of the people committed to the county priſons are young offenders, and might be reclaimed; which is a vain expectation after they have been ſuffered to converſe with ſuch a ſet of miſcreants as they are ſure of finding in thoſe places. The learned Judge declares, that bail ſhould be allowed in moſt of the inferior crimes, but that the actual cuſtody of the perſon is the only equivalent ſecurity in felonies, and other offences of a capital nature (3). But what an amazing number muſt then be debarred of this benefit! Two ſpecies of crimes alone were exempted by the Athenians (4); but in this country, "among the variety of actions which "men

(3) Comment. vol. IV. p. 294.
(4) Potter's Antiq Book I. c. 18.

" men are liable daily to commit, no fewer than " one hundred and ſixty have been pronounced " by Act of parliament to be worthy of inſtant " death (1)." Of this tremendous catalogue, by Stat. 9 Henry I. one is larceny, above ſo ſmall a ſum of twelve pence (2). And though, by the merciful interpretation of the Judges, and the Juries compaſſionate forgetfulneſs of their oaths (3), the value of the thing ſtolen is often reduced far below the true worth of it, to let the crime come under another denomination, or to give the culprit the benefit of Clergy: yet a Juſtice of the Peace, who foreſees this will probably be the iſſue of the trial, may be afraid to make the ſame favorable conſtruction. The poſitive oath of the proſecutor, perhaps, obliges him to look upon it as one of the enormous offences, and for that reaſon to inſiſt on the higheſt ſecurity that can be taken.

Mr Henry Fielding was indeed diſpoſed to believe, that many of the worthieſt Magiſtrates, from a fear of compleating the deſtruction of offenders

(1) Comment. vol. IV. p. 18.

(2) Though this was a capital offence by the common law, yet the convict might redeem his life by a pecuniary ranſom. When K. Henry I. deprived his ſubjects of this privilege, he ought not to have made a thief liable to ſo rigorous a puniſhment, unleſs the thing ſtolen had been of greater worth: for moſt probably there had, from the firſt inſtitution of the law, been a decreaſe in the value of money, but how great a one cannot be eaſily aſcertained. It appears from ſome articles of the prices of commodities inſerted in Bp Fleetwood's Chron. Prec. that about the year 1000 the compenſation for an ox loſt was thirty pence, and in the year 1135, a lean beaſt of that ſpecies was computed at three ſhillings. The moderns ought not, however, to cenſure the conduct of this prince and his nobles, if they only reflect on the amazing alteration from that period; for in the laws of Henry I. c. 76. forty ſheep are valued at twenty ſhillings.

(3) Comment. vol. IV. p. 239. called by the author a pious Perjury.

offenders in ſending them to Bridewell, declined a rigorous execution of the laws (4). A method of acting, which, as he obſerved, however laudable the motive might be, is ſometimes more juſtifiable to a man's own conſcience, than it would be in the Court of King's Bench: which requires the Magiſtrate to execute the laws entruſted to his care, in the manner they preſcribe. And it is very clear that no cautious Juſtice will, in direct felonies, or even in dubious caſes, run the riſque of incurring a ſevere penalty for taking any or inſufficient bail.

What great uneaſineſs muſt it, however, excite in the breaſt of a benevolent and well inclined Magiſtrate, to be under the diſagreeable, but unavoidable, neceſſity of ſending to the common Gaol or to Bridewell for ſix months, or a longer term, a man proved, by the oath of a ſingle witneſs, to have ſtolen, or to have received, knowing it to be ſtolen, a Dog, or the Skin of a Dog. In 1769, when the learned Judge publiſhed the laſt volume of his Commentaries, "he obſerved that the law did not hold any one "of this ſpecies of animals to have any intrinſic "value (5):" though now the perſon, who has them ſurreptitiouſly in his poſſeſſion, incurs a forfeiture of from twenty to thirty pounds; or, what is ſtill of more conſequence, of his liberty, and of every moral quality he may be poſſeſſed of. His Lordſhip likewiſe remarked, "that "convictions on a ſummary proceeding had of "late been ſo far extended, as, if a check was "not timely given to them, to threaten the diſ-"uſe of Juries (6)." But laudably ſolicitous as are ſome ſtaunch ſupporters to the freedom of the

(4) Fielding's Enquiry, p. 64.
(5) Comment. p. 236.
(6) Comment. p. 276.

the Preſs, in endeavouring to ſecure to perſons charged with one of the higheſt miſdemeanors the full enjoyment of this ineſtimable method of trial: yet, upon a little interruption given to the ſports of the field, the ill-fated culprit is to be deprived of it. By ſo heinous a provocation liberal patriots are metamorphoſed into Nimrods!

The chief objection to the granting of bail, in offences which by our laws are judged to be ſo heinous as to be puniſhed with loſs of life, is, that it will greatly tend to elude the public juſtice; ſince there is nothing that a man may not be induced to forfeit to ſave his own life (1.) But cannot this difficulty be obviated in many charges of felony, by altering the ſecurity of money in the parties accuſed, which is now the only ſecurity required, into a certain forfeiture of life for not ſurrendering at the time fixed in the bond, if they ſhall ever hereafter be apprehended. It is ſuppoſed that one half of the perſons capitally convicted are recommended by the Judges to the Royal mercy; and that a much greater proportion of thoſe who are indicted are either acquitted for want of evidence, or eſcape the ſentence of death by the palliating contrivances before mentioned. The odds therefore, againſt any criminal's being executed, are greatly in his favor: and theſe chances are imagined to have promoted an increaſe of robberies. If then all perſons who abſconded, after having been admitted to bail, were from that time, without any regard to the penalty of the original offence, to become guilty of felony without benefit of Clergy, and to as aſſuredly ſuffer death, as a convict who returns from tranſportation before his term is expired, would there be much danger in extending the liberty of bail to all felonies not

(1) Blackſtone's Comment p. 294.

not accompanied with a burglary, putting in fear, or any other atrocious circumſtance, which the crown ſeldom, if ever, pardons.

By a rule of the Athenian Government, in which the privilege of ſecurity was almoſt as univerſal as it was by our common law, if the perſon accuſed did not make his appearance, ſentence was given againſt him without any farther trouble; but if in the ſpace of ten days he came and preſented himſelf, proving that he had been detained by ſickneſs, or any other extraordinary and unavoidable neceſſity, the former ſentence was diſannulled (2). However, as flight betrays a ſtrong ſuſpicion of guilt, and is a repeated inſult upon the laws, by endeavouring to elude the force of them, ſo the penalty ought to be greater than the man would be expoſed to upon a conviction for his firſt offence. And if it were more rigorous, and more certain, few, probably, would venture to incur a forfeiture of their ſecurity. But when I hint at the framing of another ſanguinary law, I wiſh not to ſee it added to the dreadful liſt now ſubſiſting. Let it rather be adopted in the room of a great number of theſe, which, it is to be hoped, will ſoon undergo a reviſal and a repeal, on account of the inadequate proportion of the penalty to the crimes. Not that what is here offered can be deemed a ſeverer puniſhment than ought to be inflicted; ſince, as well by the common law, as by the Stat. 1 Edw. II. a breach of priſon is felony in a man committed for a capital offence (3). And the perſon who runs from his bail has ſurely leſs claim to favor; for his conduct is attended with very aggravating circumſtances. It is from a candid ſuppoſition of his innocence, and from a tenderneſs to prevent

(2) Potter's Antiq b. 1. c. 21.
(3) Blackſtone's Comment. vol. IV. p. 130.

vent his ſuffering any puniſhment before a verdict of his equals have pronounced him to be guilty, that the law vouchſafes this indulgence to him: and his not appearing according to his engagement, is an ill requital for the confidence placed in him. He is alſo chargeable with the baſeſt ingratitude to thoſe who ſhew the greateſt regard to him, by admitting him into their "friendly cuſtody (1);" an expreſſion as humane as it is ſignificant; for no more beneficent office can be done towards a man, than to ſave him from the utter ruin likely to enſue from reſiding within a priſon.

From a full perſuaſion of this, I have, Sir, taken the liberty to intimate, with the reſpect, I truſt, due to the laws, a regulation that ſeems to me of conſequence. Though, poſſibly, ſome inconveniences which might ariſe from following it have not occurred to my mind, earneſtly bent on redreſſing the evils of a gaol. Let us, however, next examine what principally contributes to them, and whether they may not be abated by proper management. And ſince there can be no doubt of their being increaſed from the confinement of a number of wicked wretches in the ſame apartment, is it not an obvious concluſion that by dividing them you check the growth?

The many days, perhaps weeks, they have to converſe together, tends to the greater corruption of all of them. Deprive them, therefore, of the ſociety of one another, and the leaſt advantage you can expect is, that they ſhall not be more abandoned when they gain their liberty, than before their commitment. Were this to be the only good that would accrue, it would be worth while to make the alteration; but there are reaſonable grounds for believing that ſome hacknied offenders,

(1) The ſame, p. 294.

offenders, as well as thoſe who are only in the firſt ſtages of wickedneſs, might be reduced into a right tract by keeping them in different rooms. I am not apprized of the manner in which priſoners are diſtributed; there is, however, ſome cauſe for ſuſpicion, that a proper care is not always taken not to intermix the very bad with others who are leſs ſo. An Act of parliament has provided againſt gaolers putting or lodging priſoners for debt and felons together in one chamber, and enjoins them to be kept ſeparate and apart from one another in diſtinct rooms (2). And had the regulation extended to criminals of different ranks, ſome good might have enſued. Though certainly gaolers are not always chargeable with neglect in this inſtance; for they may be ignorant of the true characters of thoſe committed to their cuſtody, and at preſent they muſt often want a variety of wards for ſo neceſſary a ſeparation.

But let us ſuppoſe that priſoners of the ſame degree only in wickedneſs are locked up together, it is eaſily foreſeen that a novice muſt be injured by ſuch ſociety. Be pleaſed, Sir, to conſider what was probably a principal cauſe of his entring upon an evil courſe; was it not an union with diſſolute companions! Young people are apt haſtily to entertain a high opinion of the ſagacity of thoſe, who pretend to have acquired what is called a complete knowledge of the world, and to look upon them as their beſt friends, if they will but condeſcend to initiate them, and to make them the partners of all their ſcenes of gaiety and extravagance. Guided by their advice, and encouraged by their example, their days and nights are paſt in intemperance, debauchery, and riot. Till, at laſt, the invaſion of

(2) Stat. 22, 23. Car. II. c. 20.

of their neighbour's property is found to be the only means of extricating themſelves from their neceſſities; the almoſt inevitable effects of vicious indulgencies.

When, therefore, they are detected, can it be prudent to let them aſſociate with others of the like evil propenſities, who will not fail to ſtimulate their old deſires? They reſemble perſons who have long had a fever upon them, and ſhall the heat be ſuffered to continue, perhaps acquire a higher degree of inflammation? A remiſſion may be followed by an intermiſſion, and there may be then hopes of a recovery. And what ſo likely to procure a remiſſion, as their being left to their own cool diſpaſſionate reflections?

There can be little doubt of their having deviated from a want of due conſideration: and after they had proceeded a little in the wrong way, from an apprehenſion of the diſquietude of mind that a retroſpect would occaſion, they would ſtudiouſly endeavour to ſuppreſs each ſerious thought as it aroſe: and finding, if ſecluded from the world, all their attempts fruitleſs, they would certainly ſhun ſolitude. While therefore the laws give you a power over them, oblige them to be alone. They muſt then deliberate upon their preſent ſituation; they muſt review their paſt actions; they muſt weigh, and feel the dread of the certain diſagreeable, perhaps fatal, conſequences of them.

The admonitions and reproofs of friends may have been hitherto deſpiſed; they may have diſregarded the earneſt requeſt of an affectionate father (1); who, ſenſible that frequent conſideration

(1) See Abp Tillotſon's Poſthumous Sermons, N° CXVIII. The houſe of labor in Amſterdam, called the *Spinhuis*, is calculated

ration was alone wanting to reclaim them, might have urged them to paſs only one quarter of an hour in each day by themſelves. Here then you can enforce the injunction of their dying parents; and they, learning the wiſdom of it by experience, may form from it ſtrong and effectual reſolutions of amendment.

Leſſons of virtue and religion may poſſibly have been imprinted on the minds of many of theſe perſons in the earlier part of life; which, though obſcured by ſenſual and criminal habits, may not be effaced: and the ſeaſonable inſtructions and reprehenſions of kind and judicions friends might revive theſe dormant principles. But they will quickly become as inactive as ever, if the exhortations are given in the preſence of, or they return immediately to, companions of a more libertine caſt.

It was the direction of a heathen moraliſt, that when a man perceived in his mind a remote tendency to perpetrate a profane and wicked action, he ſhould be ſent to receive the admonitions of a diſcreet, religious perſon; and he was of opinion, that the evil deſire might, by that means, be often reſtrained, and the neceſſity of inflicting ſevere puniſhments be ſuperſeded (2). How widely different is our practice. For when this inclination has betrayed itſelf by an overt act, not perhaps of the blackeſt hue, but which may be the prelude to more atrocious deeds, we compel the offender to converſe with thoſe, who, ſo far from diſcouraging, will incite him to go for-

 ward.

culated to anſwer the end propoſed by the ſalutary Advice of a father to his ſon, mentioned by his Grace in the paſſage referred to. For there are private apartments in it, where young women, who have a vicious turn of mind, are, at the requeſt of their parents, occaſionally confined, till they ſhew ſome marks of a better diſpoſition.

(2) Plato de Leg. lib. IX. p. 922. edit. Ficin.

ward. Very true it is, that moſt gaols are ſuppoſed to have ſpiritual inſtructors, and that to the credit of the governing part of the city of London, a Clergyman is appointed to officiate in Newgate, with a competent allowance for his ſupport. But it is no leſs certain, that he can do little more than perform regularly the Public Service. He is rarely called upon to teach and to aſſiſt any criminals, except thoſe who are under ſentence of death: nor indeed, in the preſent ſtate of the gaol, could he be of much uſe to any other priſoners. Were they all kept in diſtinct apartments; he might hope to make ſome impreſſion by his attendance. And many of them would poſſibly be glad to employ their ſolitary hours in the peruſal of ſuch books, as would illuſtrate and confirm the various religious motives to repentance and reformation that can be but briefly inculcated in converſation.

We ought to conſider further, that ſhame, and the horrible notions generally formed of a gaol, may for ſome time have deterred ſeveral from an enormous violation of the laws. And when from want, and the flattering hopes of eſcaping a diſcovery, a man ventures to go upon the highway, or to commit ſome more ſecret felony, it is uſually obſerved that, on his firſt apprehenſion, his ſenſibility and his dread ſtill remain; and he will ſhew more ſigns of ſorrow and contrition than at any future period. But what an alteration is made by a ſhort reſidence within the incloſure of a priſon. The very appearance of modeſty ſoon vaniſhes, and he acquires a conſummate effrontery. In a few days his confinement becomes familiar to him, and his wonted ſpirits return.

The reaſon is manifeſt. He finds he has only changed one ſet of profligate companions for another

another as abandoned: and that he and they are not debarred of a few at leaſt of the ſinful amuſements which they indulged while they had their liberty.——Here they

Sing
Their own heroic deeds, and hapleſs fall;
and complain, that fate
Free virtue ſhould enthral to force or chance.
Thus they ——————— excite
Fallacious hope, or arm th' obdured breaſt
With ſtubborn patience, as with triple ſteel.

Here are they permitted
to reach
The tempting ſtream, and *for a time* to loſe
In ſweet forgetfulneſs all pain and woe (1.)

And there is another diverſion of which they are ſuffered to partake, that our Poet has not enumerated among the entertainments of the fallen angels, though it was very ſuitable to thoſe beings. I mean gaming—that moſt miſchievous and dangerous ſport. It will be unneceſſary to ſhew that priſoners are not reſtrained the uſe of any intoxicating liquors they can afford to buy: and a late Ordinary of Newgate writes as follows of one of the convicts whom he attended. "He "was much inclined to gaming, an inſtance of "which happened when he was in the New Pri-"ſon. His ſiſter brought him two guineas to "relieve him therein, out of which he quickly "loſt ſixteen ſhillings playing at huzzle in the "hat (2)."

In the opinion of Mr Henry Fielding, moſt highwaymen of eminence were bred in the gam-

(1) Milton's Paradiſe Loſt, b. II. v. 547, 567, & 606.
(2) Account of the malefactors executed at Tyburn, May 2, 1758.

ing School (1); but this vice is, we perceive, like many others, deſcended to perſons of the loweſt order, to the dregs of the people. And no clearer proof can be given of the keenneſs with which it is practiſed, than appeared on a late trial at the Old Bailey. When the evidence depoſed that they found two of the villains, who broke open Mrs Jeredore's houſe, playing at cards at the rendezvous within a few hours after the robbery, and the plate not melted down in an adjoining room. So neceſſitous was one of the fellows, that he had been obliged to ſell his hat for a pair of ſhoes (2), and yet perhaps the turn of a card was to decide whether he might loſe his ſhare of that ſpoil, for which he had riſqued, and might ſoon forfeit, his life. An infatuation ſurpaſſing what Tacitus relates of the antient Germans, for they ſtaked only their liberty (3).

Now the mode of confinement here contended for will certainly put a ſtop to ſome of theſe corruptions, and by means of this little interruption, ſeveral of the priſoners may be drawn off from a further purſuit of what has proved ſo pernicious to them. It cannot ſurely then be an unfair concluſion from the foregoing repreſentation, that felons, as well as the public, may reap ſome benefit from their being lodged in different rooms. Should they be capitally convicted of the crimes laid to their charge, and juſtice require the ſentence to be carried into execution; they will have had ſo much more time to prepare themſelves for their laſt awful change, and will be the better able to judge of the ſincerity of their repentance.

And

(1) Fielding's Enquiry, &c. p. 25.
(2) See the Seſſions Paper for October, 1770.
(3) De Mor. Germ. c. 25.

And if, from the circumſtances of the caſe, there is room for a mitigation of the puniſhment, the likely proſpect of a reformation may be urged as a corroborating plea to the Crown for mercy. Or, when the iſſue of the trial is more fortunate to them, there will be reaſon to hope, that, from a juſt ſenſe of their former miſconduct, and this not the effect of warm and ſudden, but of cool and deliberate reſolves, they may hereafter become peaceable, nay uſeful, members of the community.

Add to this, upon their releaſe, perſons of probity and reputation will have leſs cauſe for ſhunning all kind of connexion with them than they have at preſent. For ſuch is the too juſt opinion adopted of gaols, that they are generally conſidered as academies of wickedneſs; and if a young man is once admitted within their walls, who has learnt only the firſt rudiments of vice, he has the credit of returning from them an accompliſhed villain. We are, indeed, very apt to ſuſpect that the morals of all debtors receive ſome taint from the contagion of a priſon; and, in felonious caſes, an indelible blot is fixed upon the characters of offenders. Suſpicions of this kind are productive of very bad conſequences; as they, in great meaſure, preclude a man from getting a livelihood by his labor, if he were inclined to be honeſt and induſtrious. But when we are aſſured, that ſo far from running the hazard of a further corruption by a communication with other criminals, the confinement itſelf has a probable tendency to reclaim them; we ſhall have leſs ſcruple to place once more ſome little confidence in them: and, by degrees, if they do not forfeit the eſteem of the upright and the good by following their old courſes; they will,

what the law preſumes in many caſes (1), be ſtrictly and literally reſtored to all the privileges of ſubjects: or, as it is mentioned as a ſingular circumſtance in Siam, the reproach ſhall ceaſe with the puniſhment, and he, who ſuffers it one day, will be as much reſpected as ever the next (2).

It is recommended by Plato in his ideal republic, that perſons, baniſhed by the ſentence of the laws, ſhould, on their return, paſs an examination how they had behaved during their exile: and that, after a confinement in priſon, enquiry ſhould be made whether their conduct had been juſtifiable, before they ſhould be reſtored to the ſociety of honeſt men (3). Very deſirable rules, were they practicable. But there will be leſs cauſe to regret their not being ſo; if, which is far from being impoſſible, the proper ſteps are taken to render the penalty of impriſonment an inſtrument of reformation.

You muſt, Sir, have obſerved, that the hopes conceived of a reformation are grounded chiefly on the time and advantages given to criminals, by this ſcheme, for a review of their paſt ways by a ſecluſion from the world. And in this age of gaiety and pleaſure, may the writer, without expoſing himſelf as an object of ridicule, venture to intimate, that very beneficial fruits might be expected, if all perſons would, at proper ſeaſons, ſubmit to a voluntary retirement. Rational creatures are poſſeſſed of the diſtinguiſhing faculty of recalling and examining paſt actions. Small, however, is the number of mankind, who are not

(1) A perſon admitted to his clergy, after his puniſhment of branding, is reſtored to his credit. — It is actionable to call him felon: all the infamy and other circumſtances are diſcharged. Burn's Juſtice, under the title Clergy.

(2) Modern Univerſal Hiſtory, v. VII p. 269.

(3) De Leg. l. IX. p. 931. l. X. p. 960.

not extremely averſe to this employment. This backwardneſs in the vicious hath been mentioned to ariſe from a dread of the ſtinging reproaches they muſt encounter in ſuch an exerciſe. But thoſe, whoſe hours are ſquandered in an endleſs round of expenſive and diſſipating amuſements, are very little diſpoſed to recollection, and from a ſimilar cauſe.

They too well know that their conduct will not ſtand the teſt of even their own partial ſcrutiny, and that diſguſt and uneaſineſs muſt be the reſult of ſelf-communion. Precipitately, therefore, do they run from one ſcene of imaginary pleaſure to another, and their ſole ſtudy ſeems to be to forget themſelves. An endeavour as vain, as it is pernicious! For though they may at one time be ſo unfortunate as to baniſh a ſerious thought; yet, when there is the leaſt ceſſation from their wonted diverſions, the adverſary will return, and the force exerted to repel him will make his future attacks more formidable: and if they do ſucceed, it muſt be by the loſs of the underſtanding. The moſt prudent way is, to yield at firſt; to hearken immediately to the ſober reflections of our minds; and we ſhall ſoon perceive that the diſquietude will abate, and that we ſhall probably ſuffer leſs pain than what is now occaſioned by every ſudden tranſient thought.

But ſuperficial muſt be any mental inſpection, unleſs we withdraw from the enticing objects which have ſo frequently ſeduced us. The love of ourſelves beyond others being a paſſion ſo deeply rooted in us, a mere ſpeculative man would be apt to conclude that his fellow creatures might be eaſily perſuaded to enjoy, for a conſiderable part of their time, the happineſs of converſing with ſo dear an object: however, a

little experience will ſoon convince him of the contrary. And ſince this has been found ſo difficult a taſk, it were to be wiſhed that ſome of our very ingenious modern architects would exerciſe their talents in conſtructing edifices with ſuch attractive charms, as might allure ſome of the giddy generation, whoſe cloſets appear dungeons to them, to indulge a few minutes recollection.

Antient hiſtory has delivered down to us an account of one manſion of this kind; viz. the Cave of Trophonius. And an Italian writer of a ſerious caſt, as the Spectator informs us (1), expreſſed a deſire to have it in his poſſeſſion; ſince he thought it would contribute more to the reformation of manners than all the Workhouſes and Bridewells in Europe. The medicinal qualities of it were, it is ſaid (2), to correct all immoderate and unſeaſonable levity; but that it operated in this manner on thoſe only, who entered into it by themſelves, ſtripped of all ſhowy ornaments of dreſs, and deſtitute of every thing that might interrupt ſerious reflection. As the celebrated contriver of this wonder-working cavern is reported to have periſhed with hunger, it may be thought rather unreaſonable to requeſt the artiſts of the preſent age to purſue a ſcheme that proved fatal to their brother of Bœotia; eſpecially, ſince they have ſuch fair opportunities of amaſſing large fortunes by erecting buildings which have quite contrary effects. Almoſt innumerable are the temples of pleaſure that have been raiſed in various parts of the kingdom within theſe few years, and we ſeldom hear complaints of their being deſerted; or that the thouſands, and

(1) N° 598, 599.
(2) Eraſmi Adag. chil. I. centur. VII. prov. LXXVII.

and ten thouſands who frequent them acquire a ſober turn of mind.

After Mr Henry Fielding had opened fully the dangerous tendency of the many places of public diverſion which then ſubſiſted, the legiſlature empowered the magiſtrates within twenty miles of London to limit the number in their reſpective diſtricts. But what was the conſequence? are they not amazingly increaſed? It was for ſome time thought that two play-houſes, and an opera houſe, with the help of concerts, private routs, &c. were ſufficient for the weekly entertainment of the inhabitants of London and Weſtminſter. And leſt they ſhould be too much mortified in the ſeaſon appropriated by their forefathers for acts of recollection and repentance, when all diverſions uſed to be ſuſpended; an oratorio was allowed two evenings in a week, and three ridottoes within the forty days. But now there is no remiſſion.--One year Mrs Cornelys opened a ſubſcription for muſic, dancing, feaſting and gaming at the weſt end of the town; and had it not been Sir, for the unaccountable averſion of yourſelf and your brethren to ſubjecting the families of the ſober citizens to her dominion, this "em-"preſs of the vaſt regions of taſte and magnifi-"cence" would have erected one of her palaces near the Royal Exchange (3). The ſucceſs at Soho ſoon

(3) Thus ſtiled in a puffing advertiſement in a news paper. —— Since this Letter was delivered to the Printer, the public have had the ſatisfaction of hearing that this celebrated Lady has been obliged to ſubmit to the indignity of appearing before Sir John Fielding and his brethren; and that they have run the riſk of forfeiting all pretenſions to politeneſs by levying a penalty on her and a favourite Italian ſinger, for a breach of the law. And ſhould a Jury be of opinion that Mrs Cornelys is guilty of keeping a diſorderly houſe, in ſuffering Maſquerades within it, the cenſure of a ſuperior court for her miſconduct will certainly give pleaſure to many more than it will mortify.

ſoon encouraged another ſcheiner to eſtabliſh a new meeting in Pall-mall, and theſe vie with each other in every profuſion of elegance and luxury. —Maſquerades, which, in conſequence of a prohibition from the late King, had been ſuſpended for near ten years, are likewiſe revived; and this notwithſtanding our preſent truly gracious and virtuous Prince had expreſſed his utter diſapprobation of this ſilly and vicious entertainment; for by an ingenious evaſion of the law the Royal authority it ſeems cannot now ſuppreſs it.

So inſatiable, however, is the paſſion for pleaſure, that the hunters after it are ever in chace of more objects. We therefore next hear of twelve hundred members of a ſociety formed on a plan entirely new, at leaſt in this country. For it conſiſts of Ladies as well as Gentlemen who meet at a tavern: and the profeſſed deſign of this Female Coterie (1), ſo called from the founders, is ſaid to be the preventing a perſon's being under the painful neceſſity of paſſing a few hours, not alone, but in their families. But a deficiency being ſtill apprehended, a building is raiſing, which may be uſed till the ſpring is ſo far advanced, as to render it ſafe for perſons of tender conſtitutions to venture a mile from town. And this, I am told, is ſo ſpacious, that it will contain as numerous a company as that deſcribed by Mr Baretti (2). Some have already ſtiled it the Winter Ranelagh; others have diſtinguiſhed it by the title of Pantheon; a name, which in one reſpect cannot be improper, ſince there is little reaſon to doubt of its being conſecrated to every pleaſurable idol. However, though the confluence

(1) One of the curious rules of this ſingular community is, that no new member ſhall be ballotted for but at night, between the hours of ten and twelve.

(2) Baretti's Journey, &c. vol. III. p. 156.

ence of the votaries will certainly be as great as the projectors can wiſh; yet, it is to be hoped, that they will not reſemble ſome profeſſors of Pantheiſm in Germany, who called themſelves Brethren and Siſters of the free Spirit, and pretended to be exempted from all the obligations of morality and religion (3). If this magnificent fabric is really built in imitation of the new amphitheatre at Madrid, the *Jaula por los pàxoros, & por las pàxoras* (4), ought not to be forgotten. And I will beg leave to offer an improvement which the intent of this Letter ſuggeſts to me; that as more than one of each ſex may, in the courſe of every meeting, tranſgreſs the laws of the aſſembly, each offender ſhould be obliged to retire to a ſeparate cell for the reſt of the evening.

Such, Sir, is the increaſe of places appropriated to public diverſions, ſince the Legiſlature attempted to reduce the number; and it is no leſs clear that the faſhion is now ſpread into the remoteſt parts of the kingdom. The choice ſprings of Tonbridge, Briſtol, Scarborough, Cheltenham, and Bath, will remove only a few complaints; but luckily, ſea water is diſcovered to be a panacea for an Engliſh conſtitution; and our happy ſituation upon an iſland ſupplies us with as large a quantity of it as we can deſire. For the purpoſe of uſing this, there is not a county bordering on the ocean, where there are not ſeveral ſummer rendezvous of the gay world, who are all ſubject to one diſorder at leaſt, a wearineſs of themſelves. Fiſhing towns, that a few years ſince had not apartments much larger than the cabins of their hoys, can boaſt of aſſembly rooms little inferior in

(3) Moſheim's Eccleſ. Hiſt. vol. V. p. 157. 8vo edit.

(4) Cage for the cock birds, and cage for the hen birds, or jail for the men, and jail for the women. Moſheim's Eccleſ. Hiſt. vol. III. p. 157.

in ſize, in elegance, and in ſumptuouſneſs, to that at York, and can exhibit five hundred at a ball.

As all theſe ſcenes of diſſipation, of luxury, and extravagance, muſt be attended with ruinous conſequences both to the public and to individuals; the queſtion naturally ariſes, whether the wiſdom of our Senators cannot deviſe any other method of checking their further progreſs. That our parliaments have formerly thought it an object worthy of their notice, is plain from the Act before referred to, and from ſeveral laws enumerated by Mr H. Fielding in his uſeful Tract. This Gentleman likewiſe obſerved that in the virtuous and freeſt times of the Roman republic, when the people would ſubmit to the exertion of a cenſorial officer, the better to ſuppreſs luxury, a certain number of perſons only were allowed to aſſemble at a private feaſt (1). A regulation which

(1) Macrob. Saturnal. lib. II. c. XIII. From the date of the commencement of the Orchian Law, termed by Mr Henry Fielding (in his Enq. p. 8.) with his peculiar caſt of humour, a Riot Act, it is not improbable, that Cato, who has the credit of being the promoter of it, tried to prevent, for the future, the eſtabliſhment of any ſuch ſociety of Bacchanalians, as had been but a few years before detected and ſuppreſſed by the vigilance and activity of the conſuls. Livy has given a very circumſtantial detail of this monſtrous crew, from whoſe account the following paſſages are tranſcribed. *Initia erant, quæ primo paucis tradita ſunt: deinde vulgari cœpta per viros, muliereſque. Additæ voluptates religioni vini & epularum, quo plurimum animi illicerentur. —— Primo ſacrarium id fœminarum fuiſſe, nec quenquam virum eo admitti ſolitum. Sacerdotes invicem matronas creari ſolitas. Pacullam Miniam Campanam viros primum filios ſuos initiaſſe. Ex quo in promiſcuo ſacra ſint, & permiſti viri fœminis, & noctis licentia acceſſerit, nihil ibi facinoris, nihil flagitii prætermiſſum — in his nobiles quoſdam viros, fœminaſque.* Lib. XXXIX. c. 8. & 13. We may perceive from theſe extracts, that a religious pretence, a zeal for the due obſervance of the myſteries of the heathen Bacchus, gave riſe to this abominable aſſembly. And it is generally agreed, that many of

our

which ſeems to have been borrowed from the Athenians, who, partly to avoid tumults, and partly to reſtrain the prodigality of their citizens, limited the number of gueſts; and this they did at a time, when it was become the practice to entertain an *infinite* number (2).

Some will, perhaps, be apt to accuſe me of rambling from my principal ſubject. I heartily wiſh the connexion were not ſo cloſe: but it appears very evident to me, that there is a broad and well beaten paſſage from places of public diverſion, harſh as the expreſſion may ſound, to a priſon. An inability to diſcharge juſt debts, in conſequence of the ſums of money ſquandered at the former, deprives, yearly, hundreds of their liberty; and very many ſubject themſelves to viler durance by illegally obtaining the properties of others to gratify their inordinate love of pleaſure.

It will be likewiſe objected, that moſt of the entertainments here ſpecified, being deſigned only for the great world, cannot be a ſource of thoſe crimes, which I am endeavouring to prevent. And ſuch ſeems to have been the opinion of that Gentleman, whoſe plan I am purſuing, though I muſt own, *haud paſſibus æquis*; for he more than once inſinuated, that the luxury and diverſions of the noble and the opulent are rather

our modern ſubſcription clubs have been formed upon the pious motive of celebrating, in the beſt manner, the ſecret rites of the Demon who preſides over cards and dice. The writer is not, however, ſo uncharitable as to harbour the moſt diſtant ſurmize of their being a ſingle ſociety now ſubſiſting in this country, the members of which are of the ſame profligate principles with the people branded by the Roman Hiſtorian. But he cannot ſurely give offence by a ſeaſonable hint, that ſome regard is always due to appearances; and that it is impoſſible to uſe too much precaution, when any new adopted ſcheme has the leaſt dangerous tendency.

(2) Potter's Antiquities, b. I. c. 26. and b. IV. c. 20.

ther moral than political evils (1). But in this country of boundleſs freedom, is it not impoſſible to confine diverſions to thoſe who move in the higher ſpheres, or more properly, to thoſe who can really bear the expences of them. Is there any pleaſure, or any vice, in which theſe "ſuperior Beings" will, in defiance of all precepts human and divine, indulge themſelves, that can effectually by law be denied to perſons of inferior rank? When Mr Fielding made the preceding obſervations, he muſt have forgot what he advanced but a page before, "that it was a "branch of liberty claimed by the people in a "free ſtate to be as profligate as their governors." And ſurely, the concluſion of this Gentleman was as erroneous, "that the community will not be "much affected by ſuch extravagances in per-"ſons of higher rank, as reduce them to poverty." For the pernicious conſequences will not end in the miſery, diſtreſs, and ſometimes utter ruin, of a private family. Extreme neceſſity produces falſe patriotiſm; and that terminates in an implicit ſervile dependence, in a proſtitution of every generous and virtuous principle. The loſs of thouſands, or of a great eſtate, will not, it is true, be relieved by means of common theft or robbery of an individual: there is, however, a public depredation, that is no very uncommon reſource.

Before I leave this topic, I cannot, Sir, avoid taking notice of one claſs of our public diverſions, that will not be judged foreign to my plan of reforming perſons when under confinement for criminal offences; viz. the exhibition on the Stage of ſuch pieces, as have a manifeſt tendency to encourage them in their illegal practices. As in the foregoing remarks it was far from my intention to ſhew a diſlike of all diverſions at proper

(1) Fielding's Enquiry, p. 4, 11, 12.

per times, but only to cenſure that unceaſing and expenſive purſuit of them which characterizes the preſent age; ſo I am unwilling to be thought an enemy to all theatrical amuſements, when my deſign is only to condemn what heightens the profligacy of the manners of the people.

It is much to the credit of modern audiences, that they will not admit, in any new repreſentation, what is offenſive to virtue and religion; and ſhould I whiſper a ſuſpicion of the preſent well-bred managers of dramatic entertainments having the leaſt inclination to introduce one of that turn, they would perhaps charge me with want of candour. Their conduct would, however, be more commendable than it is, if they would but perſiſt in baniſhing from the Stage ſome of the old pieces that are deſervedly obnoxious. About three winters ago the town expreſſed their diſapprobation of a very humorous ſcene in a new comedy of an admired writer, becauſe two bailiffs and their priſoner were the characters preſented. Is it not then rather extraordinary, that an opera, of which all the ſcenes are laid in Newgate, or in places near as infamous; and in which almoſt all the Dramatis Perſonæ are rogues and proſtitutes, ſhould be performed frequently every ſeaſon!

Keen reſentment of the author, on miſſing an adequate compenſation for his long ſervices, gave riſe to this ſatyrical performance; and the rage of party, ever regardleſs of conſequences, crowned it with unprecedented ſucceſs (1). Influenced by this baneful ſpirit, an Iriſh patriotic Dean foretold, that the reflections upon courtiers and ſtateſmen might poſſibly be uſeful in times to come, and thought his injured friend had great merit

(2) Dr Swift, in a letter to Mr Gay, dated Nov. 23, 1727, writes, "I hope your friends will join the readier to make it "ſucceed, becauſe you are ill uſed by others."

merit for thus attempting to mend the world as far as he was able (1). But Dr Swift did not in this point ſhew his uſual ſagacity; for, as I am told, the ſevere ſtrictures on miniſters of ſtate, plentifully ſcattered through this entertainment, paſs unnoticed, even at a period, when we certainly do not look with a favorable eye on the political conduct of our ſuperiors. And as, from the confeſſion of many malefactors, they have raiſed their courage by the ſongs of their hero Macheath, before they have ſallied forth on their deſperate nocturnal exploits (2), a juſt imputation falls on Mr Gay's memory for ſetting vice in general in an amiable, and not in an odious light, and thus corrupting, inſtead of reforming his countrymen (3).

The illiberal and groundleſs aſperſions caſt by Dean Swift on a Clergyman, no leſs admired for his diſtinguiſhed talents, than eſteemed for his many excellent qualities, becauſe he thought it his duty, from the honorable office he then diſcharged, to cenſure in the pulpit the dangerous and immoral tendency of this Drama, has been often condemned. But I do not recollect to have ſeen it obſerved, that this zealous advocate for the author had ſoon the mortification to find, that a perſon might diſapprove this idolized performance, who was neither deficient in parts or knowledge, or governed by ſervile and intereſted motives. For it appears from a Letter of Dr Swift's, that Sir Charles Wogan had manifeſted a ſtrong diſlike

(1) Intelligencer, N. III.

(2) Abp Herring's Sermons, preface, p. 5.

(3) Gay, in a letter to Swift, Dec. 2, 1728, offered to juſtify himſelf by this weak pretence, that he was the moſt obnoxious perſon in England for writing in the cauſe of virtue againſt the faſhionable vices, and could have only given offence, by ſetting vice in an odious, and virtue in an amiable light.

diſlike of the Beggar's Opera, and ſeems indeed to have expreſſed his ſurprize at the vitiated taſte of the people of England, for countenancing it. And yet the Dean allows this Gentleman to have been a ſcholar, a genius, and a man of honour (4). To the credit of this gallant officer it may be likewiſe added, that, had he not been a lover of truth and decency, the miſtaken political principles which he unhappily imbibed, and ſtrenuouſly maintained through life, would have biaſſed his judgment to favor a piece wrote with a profeſſed view of inſulting the reigning family, and of ſatyrizing the ſteady adherents to their illuſtrious houſe.

A curſory view of this Opera muſt ſatisfy an unprejudiced reader of the ruinous conſequences of the greater part of it: and the evil ſtill ſpreads, becauſe it continues to be the darling entertainment of thoſe, who will be moſt hurt by the poiſonous impreſſions it leaves, and who can ſee it for ſo ſmall a price as a ſhilling; an expence that they probably more than reimburſe themſelves, as they return in the croud from it. But the principal objection to it is, that the place ſet apart for the reception of the diſturbers of the public peace is exhibited as a houſe of riot and diverſion, and not of ſorrow and deſpair (5).

When

(4) See Swift's Works, 12mo. v. XV. p. 102.

(5) Though Sir Richard Steele deſired to be thought, and was, in many reſpects, a reformer of the licentiouſneſs of the ſtage, yet there is one comedy, in which that lively author ſeems to have diſregarded his wonted rule of "exhibiting no-"thing that might give offence to the laws and manners of "his country." This he declared in his preface to the Lying Lover; but, in the laſt ſcene of the fourth act of that play, he has drawn too pleaſing a repreſentation of the converſation and amuſements of priſoners in Newgate. He indeed took the firſt opportunity of obviating the bad conſequences which might reſult from it, by opening the next act with a diſplay of

When the taſte of the Gentlemen, who moſt frequent the Theatres, will be ſo far improved and refined as to prohibit this performance, is uncertain: but till that time arrives, every endeavour ought to be uſed to counteract the ill effects of it. And what method can promiſe better, than rectifying the licentious management of priſons?

There can be little doubt of Mr Gay's having aimed to hold up to the ſpectators a faithful mirror of the lives and converſations of the characters of his Opera in the ſeveral ſtages of their progreſs; and if we may judge of his days by the preſent, he has given too exact a repreſentation of the prevailing manners of the inhabitants of Newgate. Would it not then be extremely proper to make the alteration in Newgate, and to convince theſe thoughtleſs wretches, that the enchanting ſcenes they have hitherto beheld with delight and applauſe are mere deluſions? Shew them that a priſon really is, what it ought to be, a place of mortification and of puniſhment. And I am much deceived, if a more terrible penalty could be inflicted on them, than the confinement of them in ſeparate apartments. That this may be a means of reclaiming young offenders I have already attempted to prove; and that it will operate powerfully on the more hardned villains, is no improbable conjecture.

The

the deep remorſe, and ſincere repentance of young Bookwit. However, by his own acknowledgment, in the preface to the Conſcious Lovers, "A play ought to have the effect of example and precept," which can never be anſwered by ſhewing that Rogues of all kinds can drink and be merry while they are under confinement for their villanies, and at the eve of their execution. Beſides, a few ſtrokes of appoſite humour are ſooner caught, and retained longer, by perſons whoſe minds have taken a wrong bias, than a ſeries of the fineſt moral ſentences which were ever written.

The diſinclination we all of us have to a retroſpect on our former conduct is manifeſt, and in proportion to our deviation from goodneſs, this averſion grows ſtronger: ſo that we ſhall always find the moſt abandoned miſcreants have an irreconcileable dread of ſolitude, becauſe they dare not think. Leſt they ſhould be given up a prey to black diſquietude, from morning until morning are they found aſſociating with the partners of their guilt, and cannot even be eaſy in their company, unleſs they are drowning their ſenſes in liquor. The pains they thus take to prevent their riſing to a full recollection of themſelves, points out to us a plain and ſimple method of awakening them to this uſeful branch of knowledge; and that is, by obliging them to converſe with themſelves only.

Their reſtleſs thoughts would, like a deadly ſwarm
Of hornets arm'd, no ſooner found alone,
But ruſh in upon them thronging, and preſent
Times paſt (1).

And yet, prepoſterous as it muſt ſeem, we allow them as little opportunity for reflection under confinement, as when they are at large.

Words cannot deſcribe the exquiſite diſtreſs and torment they muſt endure upon having their moſt formidable enemy let looſe upon them (2).

(1) Sampſon Agoniſt. v. 19, &c.

(2) Tacitus has given a lively repreſentation of the horror and diſtraction of a guilty mind, in the firſt lines of a letter from the emperor Tyberius to the Roman ſenate, during his retirement in the iſland Capteæ. *Quid ſcribam*, &c. "What "I ſhall write to you, O fathers, or how I ſhall write, or what "indeed I ſhall not write to you, If I know, may all the "powers of heaven and hell inflict upon me more excruciat-"ing pains than I daily feel." Annal. lib. VI. c. 6.

And it would be proper to increaſe the alarm by ſounding in their ears, that what they now ſuffer are certain diſmal forebodings of greater woes to come. When theſe terrors have had a due effect; a proper ſeaſon may offer of convincing them of the weakneſs of thoſe arguments which have been uſed to confirm them in wickedneſs, and of fortifying their minds with others that will render them more ſecure againſt future attacks. And may they not by this courſe of ſevere diſcipline be neceſſitated to grow better? or the leaſt advantage the public may hope to reap will be, that they will hereafter be afraid to run the hazard of expoſing themſelves to all the horrors they have undergone from their diſtracting thoughts.

Some perſons, I am aware, are ſo far from admitting the poſſibility of a reformation of theſe abandoned wretches, that they imagine them to be entirely ignorant of the fundamental principle of all religion, and incapable of any troubleſome reflection. But is not this a very injurious, is it not an impious inſinuation? For God hath not left himſelf without witneſs ſufficient for the meaneſt capacity to comprehend, "that as he made the earth, as he created the viſible world, ſo he continues to do good to all the ſons of men, and that in him they live, and move, and have their being." Theſe are natural arguments level to all. And how can we doubt whether the ſupreme Governor of the moral world hath planted in the breaſts of all his rational creatures an internal proof of his exiſtence, the power of reflecting and determining on the good and evil of their actions? The light and the efficacy of conſcience may be obſcured and ſuppreſſed; but it, I believe, very rarely happens that the one can be

be totally extinguiſhed, or the other ſubdued. If one of the moſt illuſtrious ſages of the heathen world could not be perſuaded, that a man could paſs through life ignorant of the being of a God (1); will a member of a ſociety, where chriſtianity is eſtabliſhed, utter an opinion ſo directly oppoſite? Will he preſume, in this enlightned age, to degrade his countrymen beneath the loweſt of the human ſpecies? For the Hottentots firmly believe that there is a God Almighty, and that the ſoul is immortal (2).

The notion of theſe profligate people being ſtupidly ignorant, and of the obduracy of their hearts, is haſtily founded on their ſeeming unconcern, and daring behaviour, when they are doomed to die, and when that ſentence is to be carried into execution. But is not this an appearance only? Is it not clear to an attentive obſerver of their inconſiſtent actions on theſe occaſions, that their bravery is moſt commonly ſpurious? And do not the applauſes of their infamous companions, with the large doſes of intoxicating liquors, which they are inceſſantly ſwallowing, ſupply this falſe fire? Deprive them of theſe aids, and they will no longer place themſelves upon the "ſtool of impudence (3)" in the hour of their trials, and much leſs in that awful moment, when they are entring upon eternity.

In arguing from particulars to generals a ſatisfactory concluſion may not be always drawn;

 I cannot,

(1) Plato de Leg. lib. X. p. 947. edit. Ficin.

(2) Modern Univerſal Hiſtory, v. XV. p. 508.

(3) In trials among the Athenians, the accuſer was placed upon the ſtool of *Injury*, and the priſoner upon the ſtool of *Impudence*, or of *Innocence*, according to the correction of an eminent critic. Our law charitably ſuppoſes the latter to be the proper term, but culprits frequently diſcover by their conduct, that the former ſituation is moſt applicable. Potter's Antiq. b. I. c. 19.

I cannot, however, Sir, forbear mentioning to you inſtances of two perſons under the circumſtances before recited, and which indeed partly led me into this train of writing.

A few years ago a friend of mine was inadvertently carried to a place in the neighbourhood of London, where there was to be an execution. The number of the malefactors who ſuffered he does not recollect, but one, and only one of them, was a hardned wretch, that was ſuppoſed to have conquered all ſenſe of ſhame and fear. He ſhewed ſigns of a bold ſpirit; many of the rabble pronounced him to be one of the moſt courageous fellows who had, within memory, paſſed that road; and, ſhocking to the laſt degree as were his words and actions, he did not fail of many admirers, and of the approbation of ſeveral for facing death with ſo great intrepidity. Curioſity tempted my friend to examine cloſely whether his undauntedneſs was not counterfeited; and he preſently perceived, by the reſtleſsneſs of his behaviour, that he laboured hard to conceal from his followers the inward excruciating pangs he endured: and had it not been for repeated draughts of what is deemed a ſovereign cordial for all pains of the mind, he muſt, in ſpite of the applauſes of his old aſſociates, to flatter his ambition, have ſunk into a ſtate of horror and deſpair. But, to the reproach of the officers of juſtice who were guarding the criminals, the cart was ſuffered to ſtop frequently that he might recruit his ſpirits, and, for the laſt time, within ſight of the gallows. It then appeared moſt evidently from the eager precipitation with which the wretch poured down the inebriating liquor, that he drank it without any degree of pleaſure, and that the only comfort he hoped to receive from it was, that it would enable him to ſtifle his

fears,

fears, and perhaps render him inſenſible. The deſired effects were, however, almoſt momentary. For when he arrived at the end of his journey, and the executioner was preparing to fix the fatal nooſe, the countenance of this mock hero changed; he uttered no more ludicrous and profane expreſſions; but left the world dejected and diſmayed.

The other inſtance is of a later date, and you, Sir, might, perhaps, be a witneſs of the moving ſcene: the behaviour of Peter Conoway, who was tried laſt July for the murder of Venables and Rogers. When he was ſet to the bar, what conſummate audaciouſneſs poſſeſſed him; and it was for ſome time imagined, he wanted not reſolution to undergo the only torture countenanced by our laws. And though his courage failed him in this point, yet on his being again brought into Court, his inſolence was not abated. But the dreadful ſentence of death, with its conſequences, ſolemnly delivered, drew tears from his eyes; and, in the height of his concern, that tongue, which was expected to have poured forth the moſt horrid imprecations, implored a bleſſing on his Judges for their indulgence to him.

Many ſimilar caſes might be collected; but could only a few examples be alledged, they ſhould warn us againſt determining too peremptorily, that every criminal, who does not immediately betray marks of religious fear, or tokens of remorſe, is therefore ſtupidly obdurate. We ſhould rather deviſe ſome untried methods of making an impreſſion upon them; and what are there which ſeem to be equally ſpeedy and efficacious, as the forcing them to maintain a long converſation with themſelves, a communication they have hitherto not dared to hold.

Nor ought we to give credit implicitly to profeſſed freethinkers, who aſſuring us, that, after ſearching diligently for arguments to ſtrengthen themſelves in a perſuaſion which may be neceſſary to their quiet, they are fully convinced "that religion ariſeth from the fear of a power "inviſible, feigned by the mind, or imagined "from tales publicly allowed." For though ſome have pretended to conquer thoſe fears, which a belief in an all-ſeeing and infinitely righteous Judge of the world muſt ſuggeſt, their endeavours have not probably anſwered to their wiſhes. Of this Mr Hobbes was a remarkable inſtance; who, with all his boaſted philoſophy, could not, if left alone, bear the darkneſs of the night. By the relief of company; from the amuſement of ſenſible objects; or, whilſt he was engaged in writing againſt Religion, which was the conſtant employment of his life, becauſe he always feared it (1); his mind was leſs agitated and diſtreſſed. But no ſooner was he obliged to deſcend into his own breaſt, than all his natural apprehenſions returned. And well might he be averſe to an obſcure and gloomy ſolitude, ſince it muſt drive him to ſelf-inſpection. "For he "could receive no peace from the divine inſti-"tution of Jeſus, one of the miracles of which "was, as Mr Paſcall obſerves (2), to reconcile "man to God; to reſtore him to his own good "opinion; to make him bear the ſight of him-"ſelf; and, in ſome caſes, render ſilence more "agree-

(1) "The pious man, ſays Monteſquieu, and the Atheiſt "always talk of religion; the one ſpeaks of what he loves, "and the other of what he fears." Spirit of Laws, b. XXV. c. 1.

(2) See Penſees de Paſchal, c. 26. as tranſlated by Mr Baſil Kennet.

" agreeable than all the intercourſe and action of " mankind." Nor would Mr Hobbes's faith carry him thus far to God, as to ſupport him under a ſenſe of his miſeries, with the hope of an aſſured and compleat deliverance in a better life. It is not, therefore, ſtrange that he, who had often openly derided the doctrine of a future ſtate of exiſtence, ſhould dread any diſcourſe of death; and, when told that his diſſolution was unavoidable, ſhould expreſs a deſire of finding a hole out of which he might creep out of the world.

The report of this unhappy man's diſlike to the ſolitude of the night, becauſe he was afraid of ſpectres, was treated by his friends as a falſe and malicious accuſation; and they ridiculouſly inſinuated it was from a fear of aſſaſſination. This may be well conſidered as a groundleſs and childiſh ſurmiſe. For whom had he to fear? The religious principles of thoſe, in whom he imagined the pernicious tendency of his writings had excited a rancorous and inveterate enmity to his perſon, would not ſuffer them to fix a poniard in his heart; and his followers muſt be far from offering the leaſt injury or inſult to a man, who had kindly laboured to free them from all diſquieting apprehenſions. His advocate, Mr Bayle, admits the fact which his friends deny, and attempts to account for it from the ſtructure of the brain (3).

From theſe different methods of defending the Malmeſbury Sage in this caſe, moſt impartial people will be apt to conclude, that he had not been able by the light of his philoſophy to chaſe away the notion of a world inhabited by ſpirits.

(3) See Biographical Dictionary under the article Hobbes.

ſpirits. There is, however, no neceſſity of determining, whether he ſuſpected he might be haunted by an apparition, if he had no perſon in his company; we may be well ſatisfied that he avoided being alone, becauſe he could not venture to encounter his own tormenting thoughts. "Thus he that promiſed to drive away terrors, "and troubles from a ſick ſoul, was ſick himſelf "of fear (1)."

But it may be proper to obſerve with regard to the poor wretches, on whom I ſuppoſe the ſeparate retirement in a gaol may, at laſt, operate to their amendment, that ſcarce one of them is confirmed in infidelity and irreligion from a ſtudious miſapplication and perverſion of their reaſon. If they entertain any ſuch opinions, it is from a want of thought; and therefore ſeaſonable inſtruction and due conſideration may diſpel the miſts which vicious habits have brought over their minds. Yet, ſuppoſing there are really any, who, like the prince of the apoſtate ſpirits, carry into their priſon,

A mind not to be chang'd by place or time (2),

This muſt of itſelf be an incontrovertible reaſon for ſhutting them up from all ſociety with others.

We ſhould be apt to accuſe Dr Battie of unpardonable neglect, was he to ſuffer patients committed to his care, who were incurably miſchievous, to be confined with many as violent as themſelves, and much more with thoſe who were not ſo untractable, but gave hopes of a recovery. Nor is this an unapt compariſon. For writers of all ages, countries, and denominations; poets,

(1) Wiſd. c. XVII. v. 8.
(2) Milton's Paradiſe Loſt, b. I. v. 253.

poets, philoſophers, and divines, have ever conſidered vice as a kind of madneſs; and, if my memory does not deceive me, the ſkilful phyſician juſt mentioned, in his treatiſe on this complaint, aſſerts, that if any deſire by indulgence becomes ſo violent as to be irreſiſtible, the perſon ſubject to it may very properly be, and indeed is generally ſaid to be mad. If ſo, theſe villains, whoſe paſſions drive them on with impetuoſity to commit the groſſeſt acts of violence and injuſtice towards their fellow creatures, may be truly ſaid to be ſeized with a diſtraction of the moſt alarming kind.

The ſeat of the diſorder in theſe perſons is very different. In the one, it is owing to a preternatural ſtate of the inſtruments of ſenſation; in the other, of the appetites and paſſions, which have acquired an aſcendant over reaſon. And this further diſtinction muſt be likewiſe made between them. The unhappy perſons, who are viſited with the moſt melancholy calamity to which our nature is expoſed, are innocent ſufferers: whereas the phrenſy of the others, if I may be allowed the expreſſion, is voluntary, and conſequently criminal. They have either cancelled their rational powers, or only employed them to qualify themſelves the better for perpetrating their wicked deſigns; and therefore deſerve to be treated like animals of an inferior rank; like beaſts of prey, to which level they have reduced themſelves.

However the danger is very great both from the intellectual and the moral lunatic; and it muſt be the duty of the medical, and the civil, practitioner to endeavour to work the cure; and when that cannot be obtained, to prevent, if poſſible, their doing future harm to themſelves

and

and the reſt of the world. Phyſicians always direct cloſe confinement of the poor ſufferers; debar them of the ſight of every object that will increaſe the malady; and enjoin ſtrict temperance. And would it not be adviſable for the Magiſtrate to purſue a ſimilar method in treating their, generally, more refractory patients; ſince it would moſt likely correct the malignity of their peccant humours, if it did not work a compleat alteration. Evacuation, and particularly by opening of a vein, is alſo found a ſalutary rule, where the rational faculties are diſturbed; and we read in an antient writer, that "for moſt of the faults "of which the Roman Soldiers were guilty, loſs "of blood was preſcribed as a remedy, and in-"flicted as a puniſhment; becauſe their delin-"quency ſhewed them to be inſane (1)." It may not be prudent to eſtabliſh this ſingular penalty by an Act of parliament; but if ſolitude and a cool regimen were always followed, there is room for believing that it would ſoon reſtore many of our criminals to a ſound mind.

From a view of the numberleſs evils which have certainly ariſen from a promiſcuous confinement of criminals, and of the advantages which might have been expected from aſſigning to each a different room; one is of courſe led to enquire into the reaſons why a plan, in appearance ſo eligible, has not been adopted, and to ſuſpect that ſome weighty objections muſt have prevented it. Such, Sir, as have been mentioned to me ſhall now be conſidered; and, poſſibly the anſwers to them will ſuggeſt other very prevalent motives for an alteration.

With regard to the hope expreſſed of an abatement, or annihilation, of the gaol fever, from the

(1) A. Gellius, lib. X. c. x.

the ſeparation of the criminals; it will be aſked, whether, though this ſhould happen, they might not be rendered liable to different complaints from the chilliheſs and moiſture of the cells; which muſt be intenſe and profuſe, where the walls are of an immoderate thickneſs, and there is only the breath of an individual to warm the air. May not, however, the dampneſs be, in great meaſure, avoided by windows, grates, and ventilators? and if this noxious quality of the air is corrected, the cold, though in a ſharp ſeaſon, it may be uncomfortable, will not, if we may judge from experience, occaſion any dangerous diſeaſe, or certainly not ſo ſoon as the peſtilential effluvia proceeding from many other bodies.—But as the denſity of the walls is the ground of this apprehended unwholeſomeneſs, I would further remark, that, upon the ſcheme propoſed, there cannot be the ſame neceſſity there now is for incloſures of ſuch an amazing ſolidity. The judicious advice of the worthy Chamberlain has, I doubt not, been attended to; which was, not to let the apartments of the priſoners adjoin to any other edifice; ſince he has declared, "that he could not within me-"mory recollect but two inſtances, except in "diſguiſe, of eſcapes that were not owing to a "contiguity of the buildings(2)." And when a competent ſpace is allowed, ſo huge a pile of brick and ſtone cannot be requiſite. For if a ſingle priſoner ſhould break out of his ward into the preſs-yard, or any other area, without being overheard at his work, he will find it almoſt impoſſible to proceed any further before he is diſcovered; and he will not then be able to make any effectual reſiſtance.

(2) Janſſen's Letter, p. 9.

reſiſtance. Whereas at preſent, when a dextrous and daring fellow plans a ſcheme for his deliverance, he has many coadjutors. And if, either by art or violence, they can ſo far ſucceed as to get out of the room in which they are locked up, they become a powerful corps, and ſometimes force their paſſage: but the inſurrection is never quelled without difficulty, and frequently with bloodſhed.

Many attempts have been made by reſolute fellows in every gaol in the kingdom to recover their liberty; and ſcarce one which may not be attributed to their having opportunities of combining together. The cells, now uſed in Newgate for confining capital convicts, were, I have heard, firſt fitted up, becauſe a deſperate ſet of them had barricadoed themſelves in the old condemned dungeon, and refuſed to ſurrender till they were almoſt ſuffocated. From the time of this prudent alteration there has not, I am told, been more than one diſturbance among the priſoners under ſentence of death; and this was owing to the negligence of the keepers, who ſuffered them to have acceſs to one another (1). Since then the ſcheme has been thus beneficial in one inſtance, why ſhould it not be extended to all criminals? The anſwer probably will be, that the circumſtances of the perſons are very different, and they ought not therefore to be ſubject to the ſame rigid reſtraint. And this appears to have been a principal reaſon for not changing the mode, as there is an expreſs order from the court of Aldermen to the keeper of Newgate not to put any, except the condemned felons, into the cells (2).

Now

(1) On the 20th of March, 1752. See the London Magazine for that year, p. 143.

(2) This, with other prudent reſolutions, were made July 7, 1735. See London Magazine for that year, p. 399.

Now Sir, it muſt be allowed, that by the conſtruction of our laws, confinement in gaol is not deemed a puniſhment, where a perſon is only ſuſpected of, or even charged upon oath with a criminal offence. It is however, a very nice diſtinction, becauſe it is the only penalty inflicted for many miſdemeſnors: and ſuch is the exalted notion our countrymen have of liberty, that if you lay them under any ſuch reſtraint, though but for an hour, you will not eaſily convince them that you do not puniſh them. Indeed whenever any of them ceaſe to have that dread; when the ideas of impriſonment and puniſhment are ſeparated; they loſe a powerful check upon their conduct, and ſoon become dangerous fellows. But ſince the innocent, as well as the guilty, may at times undergo impriſonment, let us conſider whether the mode here contended for is, in all reſpects, more ſevere than what is conſtantly practiſed, and when it is really ſo, whether it ought not on that account to be preferred.

That ſociety is one of the principal enjoyments of life cannot be diſputed; and a perſon muſt be ſingularly framed, to whom ſolitude would not be inſupportable. But

"Solitude is ſometimes beſt ſociety (3)."

Or according to an eminent ſtoic, "It is not the "ſight of a man that removes ſolitude, but of an "honeſt man; and that we muſt call ourſelves "ſolitary when we fall among thieves (4)." There is, I am ſatisfied, no man of an ingenuous diſpoſition, who will not thus far ſubſcribe to the philoſopher's opinion, as to acknowledge, that the company of ſuch miſcreants as ſwarm in our gaols, would not relieve him from the uneaſineſs, but that

(3) Milton's Paradiſe Loſt, b. IX. v. 249.
(4.) Epictet. Arrian. Comm. lib. III c. XIII.

that he would judge it be a cruel aggravation of his reſtraint. He muſt therefore be inexpreſſibly thankful to be parted from them; nor could the hours of his retirement be very painful to him, while his ſpirits were ſupported by the conſciouſneſs of his own integrity.

It would alſo be no ſmall alleviation of his misfortune to conſider, that after he had by an open trial exculpated himſelf of the offence imputed to him, his character would not be ſtigmatized, from a preſumption of the corruption of his morals by too cloſe a converſe with ſome of the worſt of men; a degree of infamy which is not now eaſily eſcaped. The Marquis of Beccaria has obſerved, that though in theſe days, this be the hard lot of many perſons, yet that among the Romans, thoſe who had been confined, tried and acquitted, were frequently eſteemed, and honoured with employments. One of the reaſons he aſſigns for this difference is, that the accuſed and convicted are thrown indiſcriminately into the ſame priſons (1). The bad conſequences of which will be obviated by the ſcheme propoſed of not ſuffering them to have acceſs to one another. And if innocent men will be much benefited by the alteration; when the ſuſpected perſons are really guilty of the crimes laid to their charge, it will ſurely be a mark of falſe tenderneſs to them to forego this early diſcipline calculated for their good; and which, whether they are cleared or not, may ſecure them from greater evils to come. They ought therefore to conſider it as a bleſſing inſtead of a puniſhment.

If I am not miſtaken, the prejudice againſt this method of confinement has partly, perhaps wholly, ariſen from its being made an engine of oppreſſion

(1) Eſſay on Crimes and Puniſhments, p. 119.

this malevolent view, the as inſenſible keepers are to watch their countenances, and to catch every unwary expreſſion; and others are ſuffered to try every art to draw them into an acknowledgment of guilt in themſelves, and to an accuſation of others. But in this kingdom it is felony for a gaoler to make any priſoner become an appellor againſt his will (3). And ſuch is the benignity of our laws, and ſo tender are the guardians and interpreters of them, not to let criminals accuſe themſelves, that they frequently recommend, and earneſtly preſs it upon them to withdraw a plea of Guilty, and to take every advantage which the law allows of eſcaping (4). There can therefore be no danger of any ſuch unfair practices reſulting from the introduction of this ſcheme: and, if it ſhould be a means of bringing the guilty to a voluntary confeſſion of their paſt offences to their ſupreme Judge, no ſerious perſon will ſurely offer this as an objection.

Your active Chamberlain has, Sir Robert, in his ſeaſonable Letter to the committee for rebuilding the gaol of Newgate, hinted one more difficulty that may prevent this alteration (5). I ſhould, however, hope that no narrow conſideration will impede a plan which may be of ſo much utility to the public. The neceſſary enlargement of the building to allow a ſingle room for each priſoner will perhaps occaſion an increaſe of expence. But as we do not perceive the leaſt ſymptom of penuriouſneſs in the ſeveral changes and improvements that have been, and ſtill are, carrying on through the cities of London and

 Weſtminſter,

(3) Blackſtone's Comment. v. IV. p. 129.
(4) The ſame, p. 324.
(5) Page 9.

Weſtminſter, a few thouſands more will certainly be well beſtowed in rendering the new gaol healthy, ſecure, and convenient. And ſhould there be a deficiency in the ſum already granted by parliament for that purpoſe; ſhould it be hereafter found that the charge of cleaning the priſon, and maintaining the criminals in a more decent and comfortable manner than has hitherto been obſerved, will riſe higher than it does at preſent; is there no unexceptionable reſource for this additional burden?

A tax upon places of public diverſion is often a topic of converſation, and has been the ſubject of many eſſays. Other countries have impoſed it; and ſome Miniſters of this nation are ſaid to have entertained thoughts of making them contribute to the expences of government (1). But it will be difficult to point out an uſe, to which an aſſeſsment of this kind can be ſo fitly applied, as in defraying the expences of thoſe manſions, which they ſo plentifully fill. And why might not gaolers receive from this fund an adequate compenſation for executing their troubleſome office? and then let the Magiſtrates be inveſted with a power of aboliſhing oppreſſive fees, and the enormous perquiſites made from the ſale of the immenſe quantities of ſtrong liquors conſumed within our priſons.

To give the greater weight to the reaſons here offered, I muſt, Sir, likewiſe obſerve, that ſo far from being ſingular in my opinion of the many

(1) Can any reaſonable objection be alleged againſt levying a tax upon all taverns, inns, and alehouſes, for this uſeful purpoſe, for they certainly increaſe the number of malefactors? And if only a ſmall ſum was paid on renewing annually the licence to every publican within a county, the amount of the duty would nearly anſwer the charge of the gaols.

many ſalutary effects likely to ariſe from the ſeparate confinement of criminals, ſome writers have recommended the mode. Dr B. Manderville, particularly, after having given a very exact, but frightful repreſentation of the licentious behaviour of priſoners in this country, and eſpecially in Newgate, ſhewed ſome of the advantages of depriving felons of all opportunities of converſing with each other (2): though, perhaps, it may be thought, that all the reſtrictions he adviſed cannot be juſtifiable before conviction.

But the ſentiments of a writer of much more eminence, the late excellent Biſhop Butler, highly deſerves our attention. They were, Sir, delivered in a Spital Sermon, preached (3) before the Magiſtrates of your city, and publiſhed at the requeſt of the Court of Aldermen. — "As, "ſaid the good Prelate, the only purpoſes of "puniſhments leſs than capital, are to reform "the offenders themſelves, and warn the inno- "cent by their example, every thing which "ſhould contribute to make this kind of pu- "niſhment anſwer theſe purpoſes better than it "does, would be a great improvement. And

 "whether

(2) In a pamphlet entitled, "An Enquiry into the Cauſes "of the frequent Executions at Tyburn," 8vo. 1725, ch. II. and V. Though the compilers of the Biograph. Britan. have not inſerted this tract in the catalogue of the works of the author of the Fable of the Bees, and of ſome other pieces not penned with the ſame good intention as what is here referred to; yet from the initial letter of the chriſtian name, from the degree of his profeſſion, and from the date of its publication, it was probably wrote by him. That inimitable artiſt, the late Mr Hogarth, ſeems to have had in his view the twentieth and four following pages of this treatiſe, when he painted the proceſſion of the Idle 'Prentice to Tyburn.

(3) April 14, 1750. The extract is made from the twentieth page of the Sermon.

" whether it be not a thing practicable, and " what would contribute ſomewhat towards it, " to exclude utterly all ſorts of revel mirth from " places where offenders are confined, to ſepa- " rate the young from the old, and force them " both in ſolitude, with labor and low diet, to " make the experiment how far their natural " ſtrength of mind can ſupport them under " guilt and ſhame and poverty, this may de- " ſerve conſideration.—Then again ſome reli- " gious inſtruction particularly adapted to their " condition, would as properly accompany thoſe " puniſhments, which are intended to reform, " as it does capital ones.—Since it muſt be ac- " knowledged of greater conſequence, in a reli- " gious, as well as civil reſpect, how perſons " live than how they die: it cannot but be even " more incumbent on us, to endeavour, in all " ways, to reclaim thoſe offenders, who are to " return again into the world, than thoſe who " are to be removed out of it. And the only " effectual means of reclaiming, is to inſtil into " them a principle of religion."

Mr Henry Fielding not having, in his uſeful Tract, mentioned the abandoned profligacy of our gaols as a cauſe of the increaſe of the corruption of the felons committed to them, we muſt not wonder that he ſhould not ſuggeſt a method of preventing it. But that it ſhould eſcape the notice of ſo judicious, and penetrating an obſerver, is rather matter of ſurprize, ſince he has expatiated upon the inſufferable management of houſes of correction. —— " He termed " Bridewell a very ſevere puniſhment, if being " confirmed in every vicious habit may be " eſteemed ſo " — pronounced them " to be no " other than ſchools of vice, and common-ſhores

" of

" of diſeaſe" — aſked " what good conſequence " could ariſe from ſending perſons to a place, " where with the converſation of many as bad, " and ſometimes worſe than themſelves, they " were ſure to be improved in the knowledge, " and confirmed in the practice, of iniquity"— declared " that the behaviour of thoſe wretches " was the moſt impudent and flagitious, who " had before been acquainted with the diſcipline " of Bridewell; a commitment to which place, " though it often cauſed great horror and la- " mentation in the novice, was uſually treated " with ridicule and contempt by thoſe who had " already been there (1)."

It is a very obvious remark that theſe ſeveral complaints hold much ſtronger as to gaols: and ſince this is the caſe, though this able Magiſtrate had aſſiduouſly " endeavoured to ſhew whence " the evil, he wiſhed to ſee removed, originally " ſprang, yet he did not trace all the ſupplies it " received (2)." For to purſue his own metaphor, Newgate ſeems to be the grand reſervoir, which, at ſtated ſeaſons, overflows its banks, and, like a rapid torrent, ſpreads around a horrid devaſtation. When the dikes hitherto raiſed are found inſufficient; it muſt be the duty of every man, who wiſhes to preſerve his country from ruin, to offer, with deference, what he believes may prove a more ſecure mound againſt ſuch an alarming inundation. And were I not ſenſible of the ſtrong prejudices with which moſt

(1) Fielding's Enquiry, p. 61, 63, and 64. The writer has lately been informed, that the magiſtrates of the city of Weſtminſter, being fully determined to rectify all theſe abuſes, have prepared ſingle cells for the ſafe cuſtody of the ſeveral perſons committed to Tothill-Fields Bridewell.

(2) Fielding's Enquiry, p. 126.

of us are apt to view any ſcheme which has long engaged our attention, I could be almoſt tempted to advance, that this which is here recommended, has a more promiſing appearance than many others formerly propoſed.

If ſanguinary laws would have prevented the various ſpecies of felony, the practice of it muſt have been long aboliſhed, and the name no where to be found but in the Statute-books of this kingdom. For, as was before obſerved, One hundred and Sixty offences are by the Acts of our Legiſlature ſubject to the penalty of death. But laws, it will be ſaid, are mere words, if not ſtrictly put in force; and that it is by the remiſsneſs and tenderneſs of the Magiſtracy that criminals grow more daring.

From this conſideration, Sir, in the year 1744; when ſome gangs of deſperate villains ſpread terror through the ſtreets of the metropolis; your reſpectable corporation thought it neceſſary to preſent an addreſs to the late King, in which they expreſſed their hopes of the good effects of a rigorous exertion of the laws againſt thoſe who ſhould fall into the hands of juſtice. And his Majeſty, unwilling, as he always was, to be debarred of the uſe of his darling prerogative, the power of ſhewing mercy, promiſed to puniſh rigorouſly ſuch heinous offenders. Soon after, large private, as well as public, rewards were offered for diſcovering and taking theſe notorious diſturbers of the peace. What was the reſult? Were not the number of robberies increaſed inſtead of leſſened? And was it not, in ſome degree, owing to the means uſed to ſuppreſs them? Inſomuch that Mr H. Fielding found it requiſite to ſubmit to the Privy Council, whether it would not be adviſable to forbear the publication

of

of any gratuity for apprehending robbers (1). That Gentleman was, however, of opinion, that the proſpect of a pardon was an encouragement to malefactors (2).

But let it be duly conſidered what a dreadful liſt are yearly cut off by the hands of the executioner. And though Mr Judge Blackſtone ſurmizes, "that, among ſo many chances of eſcaping, the needy and the hardned overlook "the multitude that ſuffer (3);" yet, he has more than once intimated his doubts of the juſtice and propriety of inflicting death, even were that puniſhment proved by experience to be a ſure and effectual remedy (4). It is aſſerted by the humane author of the Eſſay on Crimes and Puniſhments, who appeals to the experience of all ages, that this penalty has never prevented determined men from injuring ſociety (5). And to add to the particular inſtances he has cited, that of our own nation; I will obſerve, that it was not found to have this good effect in the reign of our King Henry VII. Of this fact Sir Thomas More is an unexceptionable voucher: who has declared in his Utopia (6), "that the "penalty was too extreme and cruel a puniſhment for theft, and yet was not ſufficient to "reſtrain and withhold them from that offence." Sir William Temple likewiſe remarked, at the cloſe of the laſt century, "that as capital laws "ſeemed not to agree with the mildneſs and "clemency

(1) Plan for preventing robberies, &c, by John Fielding, p. 6.

(2) Fielding's Enquiry, p. 117—120.

(3) Comment. v. IV. p. 19.

(4) Comment. v. IV. p. 10, 11, 17, 18.

(5) Page 104.

(6) Page 24, 25.

" clemency of our Government in the reſt of " its compoſition, ſo the worſt of the cuſtom, " or inſtitution, was, that they had hitherto " proved without effect, and had neither extin- " guiſhed the humour or practice of ſuch crimes, " nor leſſened the number of ſuch criminals (1)." And to obviate the ſuppoſed continuance of the evil from the frequency of pardons, the former of theſe great men farther advanced, that, in the times of which he was writing, " Juſtice was ſo " rigorouſly executed, that few eſcaped."

Well worthy of our notice is another intimation of the benevolent Marquis Beccaria on this ſubject, " that clemency ſhould be excluded " only in a perfect legiſlation (2)." For the moſt enthuſiaſtic admirer of the ſyſtem of Engliſh laws muſt allow, that the branch of it relating to capital puniſhments falls far ſhort of this ſtandard of excellency. Pardons, therefore, muſt be frequently extended where this penalty is enjoined for crimes ſo trivial and diſproportioned, and even for a moſt doubtful offence. Within theſe ten years has a man been made ſubject to all the terrible conſequences of an attainder deſcribed by the author of the Commentary in his lively manner (3); ſince old Acts of parliament had declared (4) that "it was clear beyond diſpute " that the criminal ought to have the black note " of Infamy ſet upon him, as a creature no " longer fit to live upon the earth, but to be " exter-

(1) Sir W. Temple's Miſcell. 8vo. 1701, v. 3. p. 62, 63.

(2) Eſſay on Crimes, &c. p. 175.

(3) P. 373.

(4) 1 & 2 Phil. & M. c. 4. and 5 Eliz. c. 20. according to Sir Matthew Hale, no leſs than thirteen gypſies were executed upon theſe ſtatutes, at one Suffolk aſſizes, a few years before the reſtoration. Black. Comm. v. IV. p. 165.

" exterminated as a monſter and a bane to hu-
" man ſociety," and for what cauſe? becauſe he had been proved to have transformed and diſguiſed himſelf as an Egyptian, and to have talked in a canting, unknown language. Happy was it for the man, and to the honor of the nation, that a power reſided in the breaſt of the Sovereign to reſtrain the ill directed zeal of the proſecutor.

Inſtead then of deſiring to ſee a multiplication of the ſanguinary laws, or an unrelenting execution of thoſe which are now enacted, is it not a more rational and a more charitable wiſh, that many of them were annulled? But as there are ſome crimes, which the divine laws of nature and revelation determine to be capital, and a few other againſt the rights of ſociety, when it may not be ſafe to ſpare the lives of the guilty, the point is, how to make the infliction of that ſevere penalty of the greateſt utility.

Were judgment to be executed with ſpeed and ſolemnity, or with privacy; it has been imagined, that it would be attended with ſurpriſing advantages. The firſt has already been partly tried upon murderers, but without the benefit expected: and this, probably, owing to the indecent manner of all our public executions. Nor does it ſeem practicable to render them more ſolemn, while people of the loweſt degree claim a right to be preſent; not only as ſilent and mournful ſpectators of the dying pangs of their fellow creatures, ſacrificed to the juſtice of the laws; but to encourage and applaud villains, who pretend to deſpiſe, and will even turn into ridicule their ignominious and fatal exit. The notion of criminals being

diſpatched

diſpatched privately would, it is likely, be much more ſhocking even to the croud without, as well as excite the utmoſt horror in the guilty ſufferer; but this is as much contrary to our laws as a ſecret trial would be; and ſhould it ever be allowed, might produce all thoſe dreadful conſequences, which nations, who enjoy not the advantages of a public execution, ſenſibly feel.

With a view of remedying theſe inconveniences, Mr Henry Fielding propoſed that there ſhould be an adjournment of the Court at the Old Bailey, for four days after the trials were ended; and that when that term was expired, ſentence ſhould be paſſed and the convicts immediately executed in an area within view of the Judges (1). He attributed the infrequency of executions in Holland to the ſolemnity of them, and to the Magiſtrates being always preſent at them. But may we not aſſign one more reaſon; that great care is probably taken of offenders during their confinement. Their houſes of correction are certainly houſes of labor; and we may well conclude that this politic nation obſerve the ſame wiſe regulations in their priſons.

Another method frequently urged for ſtopping the increaſe of robberies is, the changing of the penalty of death to a temporary or perpetual ſlavery, according to the malignity of the crime; and thus compelling malefactors to make ſome compenſation by their labors to the injured ſufferers, and to their country (2). But Slave being a word

(1) Enquiry, &c. p. 125.

(2) Sir Thomas More, and Sir William Temple, were of this opinion: and the latter of theſe able men adviſes, "that "the

a word unknown to our conſtitution, it has been no leſs frequently a matter of debate, whether the ſubjects of it would patiently bear the ſight of their free-born brethren chained to the oar, the barrow, or the tarring-wheel. The Houſe of Commons in the year 1752, did not judge ſuch a puniſhment incompatible with the generally received notion of the liberty of Britons; nor were they ſenſible of any dangers likely to enſue from introducing this kind of ſervitude; ſince they paſſed a Bill for changing the penalty of felony in certain caſes to confinement and hard labor in the Dock-yards. However, the Act was, after mature deliberation, rejected by the Peers; and of ſeveral reaſons given for their Lordſhips's diſſent, one was, that it would be a great diſcouragement to the ſhipwrights and other artificers, who would think it ſcandalous to be fellow-labourers with men of ſuch infamous characters.

It was a propoſal of Dr Manderville (3) that capital convicts ſhould be uſed for the redemption of ſlaves in Morocco, Tunis, Algiers and other places on the coaſts of Barbary. On which ſcheme one remark will be ſufficient, that as he himſelf confeſſed it to be a very ſevere puniſhment for felony, it was rather extraordinary that he

" the uſual puniſhment of ſhort and eaſy deaths, ſhould be " changed into ſome others of painful and uneaſy lives, which " they will find much harder to bear, and be more unwilling " and afraid to ſuffer than the other." Miſcell. v. III. p. 64. The writer begs leave to ſubmit once more to the conſideration of thoſe who have it in their power to try the experiment, whether any puniſhment more painful, or what criminals would be more unwilling and afraid to bear, can be contrived than what is the ſubject of this Letter.

(3) In his Enquiry, ch. VI.

he ſhould ever conceive it would be admitted by his compaſſionate countrymen. And if the cruelty of this plan raiſes an averſion to it, the moſt diſtant hint of any kind of torture muſt make a reader tremble; who is not dead to all thoſe tender feelings which the God of nature has impreſſed upon the mind of a Being created in his image. Nor is it eaſy to account for its being ſo long uſed in other countries, when no good, and many ruinous conſequences have proceeded from it.

But, Sir, though theſe new preſcriptions cannot be ſafely followed, or, at leaſt, too great a hazard muſt be run in trying the experiment; we ought not to deſpair if there is a likelihood of obtaining relief by a ſtrict obſervance of one long ſince eſtabliſhed. In the political, as in the natural body, a variety of medicines may be hurtful; may, inſtead of palliating, increaſe the malignity of the diſeaſe; when a due attention to an old plain family recipe might have very ſalutary effects. It is well known that luxury has enlarged its compaſs ſoon after every modern Act of parliament for reſtraining it: and ſome have aſſerted, that the multiplication of penal laws has accumulated offenders, when a ſeaſonable, ſteady, and vigorous exertion of the authority with which the Civil Magiſtrate was long ago inveſted, might have diminiſhed them. And this appears to be no inconſiderable advantage of the regulation here propoſed; ſince it will be only a revival of the powers intruſted, by our anceſtors, to the Officers of Juſtice, for the ſuppreſſion of wickedneſs.

If a Gaoler has in his cuſtody a man who is refractory, turbulent, and dangerous; he, without

out ſcruple, and without fear of cenſure, enforces the abſolute command with which the laws have armed him, and locks his priſoner into a cloſe dungeon. And Juſtices of the Peace frequently order a ſtrict and ſeparate confinement, when they want to detect the ringleader, or diſcover the dark deeds, of ſome formidable gang. And if this mode of impriſonment is not contrary to our laws, why ſhould it not be generally followed, when many good purpoſes, and no bad ones, can be ſerved by it?

Among the former, there is another which ought certainly to be added to thoſe already recited; that, as there will be leſs probability of an eſcape than there now is, there will not, except in extraordinary caſes, be the ſame plea of neceſſity which is at preſent too commonly uſed, for loading all ſuſpected criminals with irons of an enormous weight, unleſs they can afford to buy a lighter pair. Lord Coke is expreſs, "that by the common law this ought not to be "done;" Horn, in the Mirror of Juſtice, ſaith, "that it is an abuſion of the law, that priſoners "are put into irons, or other pain before they "are attainted (1)," or as a paſſage from the book is cited by Biſhop Ellys (2), "it is lawful for Gaolers to fetter thoſe they doubt, "ſo as the fetters weigh not more than twelve "ounces." The learned editor of Hales's Hiſtory of the pleas of the crown likewiſe declares, "that fetters ought not to be uſed, unleſs there "is juſt reaſon to fear an eſcape, as where the "priſoner is unruly, or makes any attempt to "that purpoſe; otherwiſe, notwithſtanding the "common

(1) Burn's Juſtice under title Gaol.

(2) On Liberty, Part II. p. 14.

" common practice of Gaolers, it ſeems altoge-
" ther unwarrantable and contrary to the mild-
" neſs and humanity of the laws of England,
" by which Gaolers are forbid to put their pri-
" ſoners to any pain or torment." And I muſt further obſerve, that it will be generally found that in thoſe countries, where there is a ſeparate confinement, fetters are diſuſed; and that even the ſavage Officers of the Inquiſition do not harraſs and torture their priſoners with chains.

By the alteration propoſed, perſons under only a ſuſpicion of felony may be releaſed from this grievous oppreſſion, without paying for the indulgence; and if they are innocent, this eaſe and indulgence will be no ſmall mitigation of a temporary confinement. That there may be ſome trivial inconveniences from adopting this ſcheme ſhall be admitted; and what plan is exempted from them: but if they are fewer and leſs than what we now viſibly perceive, it muſt ſhew a want of true policy not to embrace it. I am not ſo ſanguine as to ſuppoſe that it will work an univerſal reformation; but if a tenth, if a fiftieth, part, if only one in a hundred of the thouſands who are committed to gaol were to be reclaimed by it, you would ſo far leſſen the number of rogues; and reſtore ſo many uſeful members to the public. And, conſidering it in a religious view, let us remember, that he, who is the happy inſtrument of reclaiming an offender, has the promiſe of a future reward.

The learned author of the Commentary has pronounced it " to be a peculiar honor to the
" laws of this country, their furniſhing the title
" of a chapter of the means of preventing of-
" fences,

" fences, and miſdeſmeſnors, ſince preventive " juſtice is of every principle of reaſon, and of " humanity, and of ſound policy, preferable in " all reſpects to puniſhing juſtice (1)." The ſurety uſually required for keeping the peace, and for good behaviour when an offence is apprehended, is the ſubject on which this ornament of his profeſſion has enlarged in this diviſion of his uſeful work. However, on failure of this, as priſons are the remaining ſecurity, not only before, but after the commiſſion of crimes, ſo they may be properly ſaid to be uſed as a precaution againſt a repetition. But the misfortune is, that theſe means of prevention are, by groſs miſmanagement, become cauſes. That which was deſigned as an antidote is become rank poiſon. " And when a people are cor- " rupted by the laws, ſays a celebrated maſter " of Juriſprudence, it is an incurable evil, be- " cauſe it is the remedy itſelf (2)." Should it not then be the firſt endeavour to rectify this legal corruption?

There is no priſon in the kingdom, where there are ſo great a number of abandoned criminals as inhabit Newgate; in no one therefore can the abuſes complained of have ariſen to ſo great a height. Here then the alteration ſhould begin, and if the city of London do but ſet a laudable example, it will, probably within a few years, be generally followed.

This, Sir Robert, was one of the reaſons for my mentioning Newgate ſo frequently in this Letter. The other is, that as a new gaol is

(1) Vol. IV. p. 248.

(2) Monteſquieu's Spirit of Laws, v. I. p. 123.

now erecting, a moſt favorable opportunity offers of eſtabliſhing a regulation which before might not be practicable. Notwithſtanding all the precautions which could be taken againſt the gaol fever, it was formerly the opinion of the Lord Mayor, all the Judges, and the Court of Aldermen, as well as of the moſt ſkilful and philoſophical men, that the building of another priſon would be the only effectual remedy (1.) And it might perhaps be as truly aſſerted, that all the other evils I have enumerated were as deſperate, and irreparable, while the preſent infernal manſion continued to be the common receptacle of the malefactors. This obſtruction will not, however, long remain. And it is a duty which the Magiſtracy of one of the moſt renowned cities in the world owe to their country, to guard againſt any ſuch complaints being made hereafter. As the edifice is deſigned to laſt for many ages, let not poſterity have cauſe to cenſure, and to lament in vain, the inattention, the neglect, or ill-timed oeconomy of their forefathers.

Far be it from my thoughts to inſinuate the moſt remote ſuſpicion of an unwillingneſs, in the Gentlemen employed to direct and ſuperintend the riſing ſtructure, to avail themſelves of every uſeful hint ſubmitted to their examination, from whatever quarter it may come. They will, doubtleſs, diſcharge with fidelity and ſpirit the important office with which they are intruſted; and with ſuch ſuperior knowledge, that the inſcription, placed by Pope Innocent X. over the entrance of a priſon in Rome, may be, with equal,

(1) Janſſen's Letter, p. 4.

equal, perhaps more, propriety engraved on the frontiſpiece of the New Gaol, expreſſing it to be a Building dedicated To CLEMENCY AS WELL AS JUSTICE, AND FOR THE MORE SECURE AND MILDER CUSTODY OF CRIMINALS (2).

(2) Keyſler's Travels, 8vo. edit. vol. I. p. 370.

I am, with the trueſt reſpect,

SIR,

Your obedient

and humble Servant.

Jan. 24,
1771.

POSTSCRIPT.

IT is a mortification to the writer, to perceive ſeveral inaccuracies in the ſtile of his Letter, which had eſcaped his notice. When a man preſumes to deliver his thoughts in print, haſte

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is rarely allowed to be a juſtifiable plea for miſtakes; but the author is willing to hope, that, after his readers are apprized of the cauſe of his impatience, they will candidly admit it to be a plauſible, though not a ſufficient excuſe. A friend had acquainted him with the progreſs made by the workmen employed on the intended priſon; and it was intimated, that if the ſcheme propoſed ſhould be approved of, an additional expence might be incurred by his delay. He was likewiſe told, that as the Corporation of Dublin had come to a reſolution of erecting, very ſpeedily, a new gaol in that city; they might, from a repreſentation of the utility of a ſeparate confinement of criminals, be prompted to adopt a plan that would effectually anſwer that purpoſe.

ERRATA.

Page 26. Line 6. *for* of, *read* as.
42. 14. twelve, *read* two.
43. In the note (3) *for* 157, *read* 86.
(4) *for* Moſheim's Eccleſ. Hiſt. *read* Baretti's Journey.
51. Line 20. dele in.
62. 14. of.